



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Thirty-sixth Meeting Day

Tuesday Afternoon

March 29, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Leland McReynolds, Federated Church, Brookston, the guest of Representative Donald J. Lehe.

The Pledge of Allegiance to the Flag was led by Representative Lehe.

The Speaker ordered the roll of the House to be called:

T. Adams ☐	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith ☐
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 333: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House stood for a moment of silence in memory of the four Indiana National Guard members killed by a landmine blast in Afghanistan: Spc. Brett M. Hershey of Indianapolis, Master Sgt. Michael T. Hiester of Bluffton, Capt. Michael "Todd" Fiscus of Milford, and Spc. Norman "Kyle" Snyder of Carlisle.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 30

Representatives Davis, T. Adams, Kuzman, and Whetstone introduced House Concurrent Resolution 30:

A CONCURRENT RESOLUTION honoring the Ball State University College of Architecture and Planning on its 40th Anniversary.

Whereas, The Ball State University College of Architecture and Planning (CAP) was created by the Indiana General Assembly on March 23, 1965;

Whereas, The Ball State University CAP has three divisions: Architecture, Landscape Architecture, and Urban Planning;

Whereas, The Ball State University CAP is the only public college of architecture in the state of Indiana;

Whereas, The Ball State University CAP has developed an extensive program of community based projects, which have worked in 300 communities around the state, and has graduated 3,200 students since its inception;

Whereas, The graduates of the Ball State University CAP lead the premiere architecture offices, both public and private, throughout the state;

Whereas, Ball State University CAP students and graduates are responsible for most urban plans developed by Indiana communities; and

Whereas, Both the Ball State University CAP architecture program and landscape architecture program have been ranked among the elite programs in the nation: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly acknowledge the good work and dedication of the students and professors of the Ball State University College of Architecture and Planning in creating an atmosphere conducive to producing many talented architects.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Ball State University President Jo Ann Gora and Dean Joseph Bilello.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Craycraft.

House Concurrent Resolution 31

Representatives Duncan, Behning, Buell, Whetstone, Kuzman, Fry, Pond, Thompson, T. Adams, and Davis introduced House Concurrent Resolution 31:

A CONCURRENT RESOLUTION honoring Ball State University's Inaugural Scholars.

Whereas, Ball State President Jo Ann Gora chose to create a student scholarship fund instead of a formal inauguration ceremony;

Whereas, Using the \$150,000 saved in direct and indirect costs of not holding inaugural event, the university established the Inaugural Scholars program;

Whereas, In response to President Gora's unselfish action, Ball State University alumni pledged over a quarter of a million dollars for the Inaugural Scholars program;

Whereas, As of today, Ball State University has awarded 24 inaugural scholarships to top students from around Indiana;

Whereas, These scholarships have a four-year value of \$32,000; and

Whereas, The Indiana General Assembly recognizes the value of education and looks forward to the future achievements of these distinguished Hoosier students: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly thank President Jo Ann Gora for establishing the Inaugural Scholars program and welcome her into the family of Indiana higher education.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to President Jo Ann Gora and the trustees of Ball State University.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Lubbers.

House Concurrent Resolution 32

Representatives Buell, Whetstone, T. Adams, Davis, Duncan, Kuzman, Fry, Pond, Thompson, Klinker, Cherry, Saunders, Mahern, and J. Lutz introduced House Concurrent Resolution 32:

A CONCURRENT RESOLUTION honoring Jo Ann Gora on her inauguration as the fourteenth president of Ball State University.

Whereas, Jo Ann Gora was inaugurated on March 29, 2005, as the fourteenth President of Ball State University;

Whereas, With her inauguration, Jo Ann Gora became the first female president of a public university in Indiana;

Whereas, Before coming to Ball State University, President Gora, who has a PhD in Sociology, served as the Provost of Old Dominion University and the Chancellor of the University of Massachusetts at Boston;

Whereas, President Gora is to be congratulated for forgoing an inauguration ceremony and using the money to fund 24 scholarships valued at \$32,000 each; and

Whereas, President Gora is to be commended for putting students first and being aggressive in her efforts to assist talented Hoosier students in their pursuit of higher education: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly welcome Jo Ann Gora as the fourteenth President of Ball State University and wish her continued success in her new position.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to President Gora.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Ford.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:05 p.m. with the Speaker in the Chair.

Representative J. Smith, who had been excused, was present. Representatives Bauer, Dickinson, and Porter were excused.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 31, 2005 at 1:30 p.m.

WALORSKI

Motion prevailed.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 14

Representative Richardson called down Engrossed Senate Bill 14 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 14-1)

Mr. Speaker: I move that Engrossed Senate Bill 14 be amended to read as follows:

Page 23, between lines 6 and 7, begin a new paragraph and insert: "SECTION 28. IC 20-23-4-29, AS ADDED BY HEA 1288-2005, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. (a) This section applies to each school corporation.

(b) If a plan provides for the election of members of the governing body of the community school corporation at a primary election, at the time provided by IC 3-8-2 for the filing of notice of candidacies for the primary election following the creation of the community school corporation, nominations for members of the governing body of the community school corporation may be made by a petition signed by the candidates and ten (10) registered voters residing within the boundaries of the community school corporation.

(c) A petition must be filed with the circuit court clerk of the county that contains the greatest percentage of population of the school corporation. If the plan requires residence in a specified district or voting solely in a specified district for a governing body member office, the petition must clearly state the residence or electoral district from or for which the person is a candidate. If a school corporation is located in more than one (1) county, the circuit court clerk shall, after determining that a petition complies with subsection (b), promptly certify to each circuit court clerk of a county in which the school corporation is located, the names of the candidates to be placed on the ballot.

(d) If a plan provides for an election of members of the governing body at a general election, the filing of notice of candidates must be made in the manner provided for filing at primary elections under this section. The filing must be made within the same period before the general election as would have been required before the primary election had the election been held at the latter time.

(e) All nominations shall be listed for each office in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ IC 3-11 but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted. The precinct election boards serving at each primary election in each county shall conduct the election for governing board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.

(f) If the plan provides that the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ IC 3-11 without party designation. Candidates elected shall be those having the greatest number of votes.

(g) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ IC 3-11 by residence districts without party designation. The ballot must state the:

- (1) number of members to be voted upon; and
- (2) maximum number that may be elected from each residence district as provided in the plan.

A ballot is not valid if a voter votes for more than the maximum number of members that are determined under subdivision (2). Candidates having the greatest number of votes are elected. However,

if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected.

(h) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot:

(1) in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~; **IC 3-11;** and

(2) without party designation.

The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected."

Page 23, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 32. IC 33-28-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The jury commissioners shall immediately, from the names of:

(1) legal voters of the county; and

(2) citizens of the United States on the latest tax duplicate and the tax schedules of the county; and

(3) individuals who:

(A) reside in the county; and

(B) have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles;

examine for the purpose of determining the sex, age, and identity of prospective jurors, and proceed to select and deposit, in a box furnished by the clerk for that purpose, the names, written on separate slips of paper of uniform shape, size, and color, of twice as many persons as will be required by law for grand and petit jurors in the courts of the county, for all the terms of the courts, to begin with the following calendar year.

(b) Each selection shall be made as nearly as possible in proportion to the population of each county commissioner's district. In making the selections, the jury commissioners shall in all things observe their oaths. The jury commissioners shall not select the name of any person who is to them known to be interested in or has a case pending that may be tried by a jury to be drawn from the names so selected.

(c) The jury commissioners shall deliver the locked box to the clerk of the circuit court, after having deposited into the box the names as directed under this section. The key shall be retained by one (1) of the jury commissioners, who may not be an adherent of the same political party as the clerk.

(d) In a county containing a consolidated city, the jury commissioners may, upon an order made by the judge of the circuit court and entered in the records of the circuit court of the county, make the selections and deposits required under this section monthly instead of annually. The jury commissioners may omit the personal examination of prospective jurors, the examination of voters lists, and make selection without reference to county commissioners' districts. The judge of the circuit court in a county containing a consolidated city may do the following:

(1) Appoint a secretary for the jury commissioners, and sufficient stenographic aid and clerical help to properly perform the duties of the jury commissioners.

(2) Fix the salaries of the commissioners, the secretary, and stenographic and clerical employees.

(3) Provide office quarters and necessary supplies for the jury commissioners and their employees.

The expenses incurred under this subsection shall be paid for from the treasury of the county upon the order of the court.

(e) Subject to appropriations made by the county fiscal body, the jury commissioners may use a computerized jury selection system. However, the system used for the selection system must be fair and may not violate the rights of persons with respect to the impartial and random selection of prospective jurors. The jurors selected under the computerized jury selection system must be eligible for selection under this chapter. The commissioners shall deliver the names of the individuals selected to the clerk of the circuit court. The commissioners shall observe their oath in all activities taken under this subsection.

(f) The jury commissioners may supplement voter registration lists and tax schedules under subsection (a) with names from lists of persons residing in the county that the jury commissioners may designate as necessary to obtain a cross-section of the population of each county commissioner's district. The lists designated by the jury commissioners under this subsection must be used for the selection of jurors throughout the entire county.

(g) The supplemental sources designated under subsection (f) may consist of such lists as those of utility customers, persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses. These supplemental lists may not be substituted for the voter registration list. The jury commissioners may not draw more names from supplemental sources than are drawn from the voter registration lists and tax schedules.

SECTION 33. IC 33-28-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) **A person may not be automatically excused from acting as a juror under this chapter.** A person shall be excused from acting as a juror if the person **requests to be excused before being sworn as a juror and:**

~~(1) is at least sixty-five (65) years of age;~~

~~(2) (1) is a member in active service of the armed forces of the United States;~~

~~(3) (2) is an elected or appointed official of the executive, legislative, or judicial branches of government of:~~

(A) the United States;

(B) Indiana; or

(C) a unit of local government;

who is actively engaged in the performance of the person's official duties;

~~(4) (3) is a member of the general assembly who makes the request to be excused before being sworn as a juror;~~

~~(5) (4) is an honorary military staff officer appointed by the governor under IC 10-16-2-5;~~

~~(6) (5) is an officer or enlisted person of the guard reserve forces authorized by the governor under IC 10-16-8;~~

~~(7) is a veterinarian licensed under IC 15-5-1-1;~~

~~(8) is serving as a member of the board of school commissioners of the city of Indianapolis under IC 20-3-11-2;~~

~~(9) is a dentist licensed under IC 25-14-1;~~

~~(10) (6) is a member of a police or fire department or company under IC 36-8-3 or IC 36-8-12; or~~

~~(11) (7) would serve as a juror during a criminal trial and the person is:~~

(A) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or

(B) the spouse or child of a person described in clause (A).

and desires to be excused for that reason.

(b) A person may not be automatically deferred from jury service under this section. A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

(1) The prospective juror has not previously been granted a deferral.

(2) The prospective juror requests a deferral by contacting the jury commissioner:

(A) by telephone;

(B) by electronic mail;

(C) in writing; or

(D) in person.

(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:

(A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and

(B) a date when the court will be in session.

(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

(A) hardship;

(B) extreme inconvenience; or

(C) necessity.

~~(b)~~ **(c)** A prospective juror is disqualified to serve on a jury if any of the following conditions exist:

- (1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.
- (2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.
- (3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.
- (4) The person is under a sentence imposed for an offense.
- (5) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.
- (6) The person has had rights revoked by reason of a felony conviction and the rights have not been restored.

~~(c)~~ **(d)** A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

~~(d)~~ **(e)** A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

~~(e)~~ **(f)** The same petit jurors may be used in civil cases and in criminal cases.

~~(f)~~ **(g)** A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

~~(g)~~ **(h)** Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of the right to serve on a jury under this section and except as provided in subsections ~~(c)~~, **(i)**, ~~(d)~~, **(j)**, and ~~(f)~~, **(m)**, a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may not possess a firearm:

- (1) after the person is no longer under a sentence imposed for an offense; or
- (2) after the person has had the person's rights restored following a conviction.

~~(h)~~ **(i)** Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

- (1) Whether the person has been subject to:
 - (A) a protective order;
 - (B) a no contact order;
 - (C) a workplace violence restraining order; or
 - (D) any other court order that prohibits the person from possessing a firearm.
- (2) Whether the person has successfully completed a substance abuse program, if applicable.
- (3) Whether the person has successfully completed a parenting class, if applicable.
- (4) Whether the person still presents a threat to the victim of the crime.
- (5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection ~~(f)~~ **(j)** or whether the person has committed a subsequent offense.

~~(i)~~ **(j)** The court may condition the restoration of a person's right to possess a firearm upon the person's completion of specified conditions.

~~(j)~~ **(k)** If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed.

~~(k)~~ **(l)** A person has not been convicted of a crime of domestic violence for purposes of subsection ~~(h)~~ **(i)** if the conviction has been expunged or if the person has been pardoned.

~~(l)~~ **(m)** The right to possess a firearm shall be restored to a person

whose conviction is reversed on appeal or on postconviction review at the earlier of the following:

- (1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.
- (2) Ninety (90) days after the final disposition of the appeal or the postconviction proceeding.

SECTION 34. IC 33-28-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.**

(b) A person who:

- (1) serves as a juror under this chapter; or**
- (2) completes one (1) day of jury selection but is not chosen to serve as a juror;**

may not be selected for another jury panel for at least two (2) years unless all nonexempt individuals for jury service compiled under section 3 of this chapter have been called.

(c) The employer of a person who:

- (1) is summoned to serve as a juror; and**
- (2) notifies the employer of the jury summons:**
 - (A) within a reasonable period after receiving the jury summons; and**
 - (B) before the person appears for jury duty;**

may not subject the person to any adverse employment action as the result of the person's jury service.

(d) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

- (1) responding to a summons for jury duty;**
- (2) participating in the jury selection process; or**
- (3) serving on a jury.**

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(e) If:

- (1) a prospective juror works for an employer with ten (10) or fewer full-time employees (or their equivalent);**
- (2) another employee of the employer described in subdivision (1) is performing jury service; and**
- (3) the prospective juror or the employee performing jury service notifies the court that they both work for the same employer;**

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee already performing jury service. The rescheduling of jury service under this subsection does not affect the prospective juror's right to a deferral under section 8(b) of this chapter.

SECTION 35. IC 33-28-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.** As used in this chapter, "master list" means:

- (1) a serially printed list;
- (2) a magnetic tape;
- (3) an Addressograph file;
- (4) a punched card file;
- (5) a computer record; or
- (6) another form of record determined by the supervising judge to be consistent with this chapter;

that fosters the policy and protects the rights secured by this chapter, contains all current, up-to-date voter registration lists for each precinct in the county, **the names of all citizens of the United States on the latest tax duplicate and the tax schedules of the county, and the names of all individuals who reside in the county and have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles,** and is supplemented by names derived from other sources identified under this chapter.

SECTION 36. IC 33-28-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 13. (a)** The jury commissioner shall compile and maintain a master list consisting of:

- (1) all the voter registration lists for the county;**
- (2) the names of all citizens of the United States on the latest**

tax duplicate and the tax schedules of the county; and
(3) the names of all individuals who reside in the county and have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles.

(b) The master list in subsection (a) shall be supplemented with names from other lists of persons resident in the county that the supreme court shall periodically designate as necessary to obtain the broadest cross-section of the county, having determined that use of supplemental lists is feasible. The supreme court may designate supplemental lists for use by the courts periodically in a manner that fosters the policy and protects the rights secured by this chapter. Supplemental sources may consist of lists of:

- (1) utility customers;
- (2) property taxpayers; and
- (3) persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses.

Supplemental lists may not be substituted for the voter registration list, **tax schedules, or the driver's license and identification card list.** In drawing names from supplemental lists, the jury commissioner shall avoid duplication of names.

(c) A person who has custody, possession, or control of any of the lists making up or used in compiling the master list, including those designated under subsection (a) (b) by the supreme court as supplementary sources of names, shall furnish the master list to the jury commissioner for inspection, reproduction, and copying at all reasonable times.

(d) When a copy of a list maintained by a public official is furnished, only the actual cost of the copy may be charged to the courts.

(e) The master list of names is open to the public for examination as a public record. However, the source of names and any information other than the names contained in the source is confidential.

SECTION 37. IC 33-28-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The supervising judge or the jury commissioner shall determine solely on the basis of information provided on a juror qualification form or interview with a prospective juror whether the prospective juror is disqualified for jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form or electronic data processing facsimile and on the alphabetical list of names drawn from the master list.

(b) A person may not be automatically excused under this chapter. Upon request of a prospective juror, the supervising judge or jury commissioner shall determine on the basis of information provided on:

- (1) the juror qualification form;
- (2) correspondence from the prospective juror; or
- (3) an interview with the prospective juror;

whether the prospective juror may be excused from jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form.

(c) A person may not be automatically deferred from jury service under this section. A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

- (1) The prospective juror has not previously been granted a deferral.
- (2) The prospective juror requests a deferral by contacting the jury commissioner:
 - (A) by telephone;
 - (B) by electronic mail;
 - (C) in writing; or
 - (D) in person.
- (3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:
 - (A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and

(B) a date when the court will be in session.

(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

- (A) hardship;
- (B) extreme inconvenience; or
- (C) necessity.

(d) A person who is not disqualified for jury service may be excused from jury service only upon a showing of:

- (1) undue hardship;
- (2) extreme inconvenience; or
- (3) public necessity;

until the time of the next drawing when the person is resummoned. Appropriate records must be maintained by the jury commissioner to facilitate resummoning.

(e) Requests for excuse, other than those accompanying the return of the qualification form, must be made by the prospective juror in writing to the jury commissioner not later than three (3) days before the date when the prospective juror has been summoned to appear.

SECTION 38. IC 33-28-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.

(b) A person who:

- (1) serves as a juror under this chapter; or
- (2) completes one (1) day of jury selection but is not chosen to serve as a juror;

may not be selected for another jury panel ~~until all nonexempt persons on the master list have been called for jury duty; for at least two (2) years unless all nonexempt individuals for jury service on the master list described in section 13 of this chapter have been called.~~

(c) The employer of a person who:

- (1) is summoned to serve as a juror; and
- (2) notifies the employer of the jury summons:
 - (A) within a reasonable period after receiving the jury summons; and
 - (B) before the person appears for jury duty;

may not subject the person to any adverse employment action as the result of the person's jury service.

(d) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

- (1) responding to a summons for jury duty;
- (2) participating in the jury selection process; or
- (3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(e) If:

- (1) a prospective juror works for an employer with ten (10) or fewer full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the person performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee. The rescheduling of jury service under this subsection does not affect the prospective juror's right to a deferral under section 18(c) of this chapter.

SECTION 39. IC 33-28-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. As used in this chapter, "master list" means:

- (1) all current, up-to-date voter registration lists for each precinct in the county;
- (2) the names of all citizens of the United States on the latest tax duplicate and the tax schedules of the county; and
- (3) a list of all individuals who reside in the county and who have obtained a driver's license or identification card under

IC 9-24 from the bureau of motor vehicles;

supplemented with names from other sources prescribed pursuant to this chapter, in order to foster the policy and protect the rights secured by this chapter. The master list may be in the form of a serially printed list, a magnetic tape, an Addressograph file, punched cards, or such other form considered by the chief judge to be consistent with this chapter.

SECTION 40. IC 33-28-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury commissioner shall compile and maintain a master list consisting of:

- (1) all the voter registration lists for the county;
- (2) the names of all citizens of the United States on the latest tax duplicate and the tax schedules of the county; and
- (3) a list of all individuals who reside in the county and who have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles;

supplemented with names from other lists of persons resident in the county that the supreme court shall periodically designate as necessary to obtain the broadest cross-section of the county, having determined that use of the supplemental lists is feasible. The supreme court shall exercise the authority to designate supplemental lists periodically in order to foster the policy and protect the rights secured by this article. The supplemental sources may include lists of utility customers, property taxpayers, and persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses. Supplemental lists may not be substituted for the voter registration list. In drawing names from supplemental lists, the jury commissioner shall avoid duplication of names.

(b) Whoever has custody, possession, or control of any of the lists making up or used in compiling the master list, including those designated under subsection (a) by the supreme court as supplementary sources of names, shall furnish the list to the jury commissioner for inspection, reproduction, and copying at all reasonable times.

(c) When a copy of a list maintained by a public official is furnished, only the actual cost of the copy may be charged to the court.

(d) The master list of names shall be open to the public for examination as a public record, except that the source of names and any information other than the names contained in that source may not be public information.

SECTION 41. IC 33-28-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. ~~A qualified prospective juror is not~~ (a) **A person may not be automatically excused from jury service under this chapter. The following persons are exempt from jury service but must request to be excused from jury service before being sworn in as a juror: except for the following:**

- (1) Members in active service of the armed forces of the United States who are actively engaged in the performance of their official duties.
- (2) Elected or appointed officials of the executive, legislative, or judicial branches of government of the:
 - (A) United States;
 - (B) State of Indiana; or
 - (C) counties affected by this chapter;
 who are actively engaged in the performance of their official duties.
- (3) A person who:
 - (A) would serve as a juror during a criminal trial; and
 - (B) is:
 - (i) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or
 - (ii) the spouse or child of a person described in item (i); and desires to be excused for that reason.

(b) **A person may not be automatically deferred from jury service under this section. A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:**

- (1) The prospective juror has not previously been granted a deferral.
- (2) The prospective juror requests a deferral by contacting the jury commissioner:
 - (A) by telephone;
 - (B) by electronic mail;
 - (C) in writing; or
 - (D) in person.
- (3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:
 - (A) not more than one (1) year after the date on which the prospective juror was originally scheduled to appear; and
 - (B) a date when the court will be in session.
- (4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:
 - (A) hardship;
 - (B) extreme inconvenience; or
 - (C) necessity.

SECTION 42. IC 33-28-6-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) **A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.**

(b) **A person who:**

- (1) serves as a juror under this chapter; or
- (2) completes one (1) day of jury selection but is not chosen to serve as a juror;

may not be selected for another jury panel for at least two (2) years unless all nonexempt individuals for jury service on the master list described in section 13 of this chapter have been called.

(c) **The employer of a person who:**

- (1) is summoned to serve as a juror; and
- (2) notifies the employer of the jury summons:
 - (A) within a reasonable period after receiving the jury summons; and
 - (B) before the person appears for jury duty;

may not subject the person to any adverse employment action as the result of the person's jury service.

(d) **An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:**

- (1) responding to a summons for jury duty;
- (2) participating in the jury selection process; or
- (3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(e) **If:**

- (1) a prospective juror works for an employer with ten (10) or fewer full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the employee performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the employee already performing jury service. The rescheduling of jury service under this subsection does not affect the prospective juror's right to a deferral under section 19(b) of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 14 as printed March 25, 2005.)

MAYS

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 14 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 15

Representative Richardson called down Engrossed Senate Bill 15 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 15-1)

Mr. Speaker: I move that Engrossed Senate Bill 15 be amended to read as follows:

Page 11, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 10. IC 3-11-10-1.2 AS ADDED BY SEA 483-2005, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.2. An absentee voter is not required to provide proof of identification when:

- (1) mailing, delivering, or transmitting an absentee ballot under section 1 of this chapter; or
- (2) voting before an absentee board under **section 25** of this chapter."

Page 15, between lines 1 and 2, begin a new paragraph and insert: "SECTION 14. IC 3-11-10-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; **and**
- (2) **provide proof of identification;**

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes

for an office; and

- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) **If:**

- (1) **the voter is unable or declines to present the proof of identification; or**
- (2) **a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;**

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

SECTION 15. IC 3-11.7-5-2, AS AMENDED BY SEA 483-2005, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

- (1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.
- (2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, ~~or~~ IC 3-11-8, **or IC 3-11-10-26.**
- (3) Based on all the information available to the county election board, including:

- (A) information provided by the provisional voter;
- (B) information contained in the county's voter registration records; and
- (C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

SECTION 16. IC 3-11.7-5-2.5, AS ADDED BY SEA-483-2005, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. (a) A voter who:

- (1) was challenged under IC 3-10-1, ~~or~~ IC 3-11-8, **or IC 3-11-10-26** as a result of the voter's inability or declination to provide proof of identification; and
- (2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c) or (e), if the voter:

- (1) provides proof of identification to the circuit court clerk or county election board; and
- (2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

- (A) personally appeared before the precinct election board; and
- (B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:
 (A) personally appeared before the precinct election board; and
 (B) cast the provisional ballot on election day; and
 (2) the voter:
 (A) is:
 (i) indigent; and
 (ii) unable to obtain proof of identification without the payment of a fee; or
 (B) has a religious objection to being photographed;
 the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.
 (d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:
 (1) find that the voter's provisional ballot is valid; and
 (2) direct that the provisional ballot be:
 (A) opened under section 4 of this chapter; and
 (B) processed in accordance with this chapter.
 (e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:
 (1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and
 (2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.
 (f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:
 (1) appear before the county election board; and
 (2) execute an affidavit in the manner prescribed by subsection (b) or (c);
 the county election board shall find that the voter's provisional ballot is invalid.

SECTION 17. IC 3-11.7-5-3, AS AMENDED BY SEA 483-2005, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) If the board determines that the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the precinct, that the voter failed to provide proof of identification when required under IC 3-10-1, ~~or~~ IC 3-11-8, ~~or~~ **IC 3-11-10-26**, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board shall make the following findings:

- (1) The provisional ballot is invalid.
 - (2) The provisional ballot may not be counted.
 - (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.
- (b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".
 Renumber all SECTIONS consecutively.
 (Reference is to ESB 15 as printed March 25, 2005.)

T. BROWN

The Speaker ordered a division of the House and appointed Representatives Turner and Stilwell to count the yeas and nays. Yeas 49, nays 44. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 30

Representative T. Brown called down Engrossed Senate Bill 30 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 30-1)

Mr. Speaker: I move that Engrossed Senate Bill 30 be amended to read as follows:

Page 7, between lines 40 and 41, begin a new line block indented and insert:

"(10) One (1) member appointed by the northern Indiana commuter transportation district."
 (Reference is to ESB 30 as printed March 23, 2005.)

AYRES

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 32

Representative Ulmer called down Engrossed Senate Bill 32 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 32-3)

Mr. Speaker: I move that Engrossed Senate Bill 32 be amended to read as follows:

Page 5, after line 5, begin a new paragraph and insert:

"SECTION 3. IC 35-47-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) A person may apply for the renewal of an existing license over the Internet or by mail if:

- (1) the existing license has not expired; and
- (2) the state police has one (1) set of legible and classifiable fingerprints from the person on file.

(b) The superintendent shall establish and maintain a secure Internet web site for license renewal through which a person may apply for the renewal of an existing license under this section.

(c) If the Internet web site for license renewal described in subdivision (b) is not established as part of Access Indiana (as defined in 5-21-1-1.5), the superintendent shall maintain a hyperlink on Access Indiana that permits a user to connect to the Internet web site for license renewal.

(d) The internet web site for license renewal described in subdivision (b) shall provide a person the opportunity to print a form for license renewal, complete the form, and submit an application for the renewal of an existing license by mail.

(e) The superintendent may charge a renewal fee of not more than ten dollars (\$10). The renewal fee collected under this subsection shall be deposited in the Internet handgun license renewal account established under IC 35-47-2-3.6.

(f) The superintendent shall renew a person's license if the person is eligible to possess a license under this chapter.

(g) An application for the renewal of an existing license shall be granted or denied not later than fourteen (14) days after:

- (1) the application is submitted over the Internet; or
- (2) the application is received, if the application is submitted by mail.

(h) The department shall adopt rules under IC 4-22-2 to implement this section. Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

SECTION 4. IC 35-47-2-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.6. (a) The Internet handgun license renewal account is established within the state general fund for the purpose of defraying the expenses related to operating the Internet web site for license renewal established under IC 35-47-2-3.5. The account shall be administered by the superintendent of the state police.

(b) The expenses of administering the account shall be paid from money in the account.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 5. IC 35-47-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~Notwithstanding any other law, a person purchasing a handgun from a dealer shall consent in writing, on a form to be provided by the superintendent, to have the dealer obtain criminal history information.~~

(b) The form shall include, in addition to the information required by section 4 of this chapter, the same information required to be included on the firearms transaction record required by federal regulations administered by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury. However, the form may not include any information related to the handgun.

(a) A person purchasing a handgun from a dealer shall complete and sign Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473.

(c) (b) The dealer shall forward The copies a copy of the forms Form 4473 shall be mailed or delivered to the state police department before the last day of the month following the sale.

SECTION 6. IC 35-47-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) As used in this section, "NICS" refers to the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation in accordance with the federal Brady Handgun Violence Prevention Act (P.L.103-159).

(b) A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

(1) Obtained from the prospective purchaser ~~written consent to a criminal history check~~, a completed and signed Form 4473 as specified in section 3 of this chapter.

(2) Provided the state police department with the prospective purchaser's name, birth date, gender, race, Social Security number, and any other identification required of the prospective purchaser.

(3) Requested and received criminal history information from the state police department by means of:

(A) a telephone call; or

(B) other electronic means.

(2) Contacted NICS:

(A) by telephone; or

(B) electronically;

to request a background check on the prospective purchaser.

(3) Received authorization from NICS to transfer the handgun to the prospective purchaser.

(c) The dealer shall record the NICS transaction number on Form 4473 and retain Form 4473 for auditing purposes.

SECTION 7. IC 35-47-2.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. A person who knowingly or intentionally makes a materially false statement on the consent form Form 4473 required by section 3 of this chapter commits a Class D felony.

SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 35-47-2.5-6; IC 35-47-2.5-7; IC 35-47-2.5-8; IC 35-47-2.5-9; IC 35-47-2.5-10; IC 35-47-2.5-11.

SECTION 9 [EFFECTIVE JULY 1, 2005] IC 35-47-2.5-12, as amended by this act, applies only to crimes committed after June 30, 2005.

SECTION 10 [EFFECTIVE JULY 1, 2005] Notwithstanding IC 35-47-2-3.5, as added by this act, the superintendent of the state police department is not required to establish, maintain, and operate an Internet web site for electronic or mail renewal of a handgun license until July 1, 2005."

(Reference is to ESB 32 as printed March 23, 2005.)

WOODRUFF

After discussion, Representative Ulmer withdrew the call of Engrossed Senate Bill 32.

With consent of the members, the following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 43, 49, 54, 60, 64, 67, 96, 111, 117, 196, 201, 315, 452, 472, 481, 513, 568, and 612.

Engrossed Senate Bill 75

Representative Ripley called down Engrossed Senate Bill 75 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 75-2)

Mr. Speaker: I move that Engrossed Senate Bill 75 be amended to read as follows:

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 27-1-15.7-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. The commissioner shall, not later than September 1, 2005, establish a policy to allow a waiver of the:

(1) continuing education requirements of this chapter; and

(2) license renewal requirements of IC 27-1-15.6 and this chapter;

for an insurance producer who is serving on active duty in the armed forces of the United States in an area designated as a combat zone by the President of the United States."

Renumber all SECTIONS consecutively.

(Reference is to ESB 75 as printed March 25, 2005.)

RIPLEY

Motion prevailed.

HOUSE MOTION

(Amendment 75-1)

Mr. Speaker: I move that Engrossed Senate Bill 75 be amended to read as follows:

Page 2, line 23, after "producer" insert "continuously".

Page 2, line 24, delete "." and insert "immediately preceding the license renewal date."

(Reference is to ESB 75 as printed March 25, 2005.)

BARDON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 171

Representative Friend called down Engrossed Senate Bill 171 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 171-2)

Mr. Speaker: I move that Engrossed Senate Bill 171 be amended to read as follows:

Page 4, line 2, strike "prior to" and insert "before".

Page 4, line 4, after "." insert "Annually, after May 10 but before October 31 of the same year, each county treasurer may serve a written demand upon a county resident who is delinquent in the payment of personal property taxes."

Page 4, line 32, delete "had an original cost" and insert "has an assessed value".

(Reference is to ESB 171 as printed March 23, 2005.)

FRIEND

Motion prevailed.

HOUSE MOTION

(Amendment 171-1)

Mr. Speaker: I move that Engrossed Senate Bill 171 be amended to read as follows:

Page 3, delete line 42.

Delete pages 4 through 5.

Page 6, delete lines 1 through 26.

Page 10, line 41, delete "JANUARY 1, 2006]" and insert "JULY 1, 2005]".

Page 10, line 41, delete "IC 6-1.1-23-1, as" and insert "(a) As used in this SECTION, "committee" refers to the interim study committee on personal property taxes established by this SECTION.

(b) There is established the interim study committee on personal property taxes. The committee shall study how to improve the administration and collection of personal property tax and the collection of delinquent taxes.

(c) The committee consists of the following six (6) members:

(1) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.

(3) A banker, appointed by the president pro tempore of the senate.

(4) A county treasurer, appointed by the speaker of the house.

(d) The chairman of the legislative council, after consulting with the vice-chairman of the legislative council, shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman of the legislative council, after consulting with the vice-chairman of the legislative council, may remove the chair of the committee and appoint another chair.

(e) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member ceases to be a member of the committee.

(f) A legislative member of the committee may be removed at any time by the authority who appointed the legislative member.

(g) If a vacancy exists on the committee, the authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(h) The committee shall submit a final report of its study to the legislative council before November 1, 2005. The report issued to the legislative council must be in an electronic format under IC 5-14-6.

(i) The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure, including final reports.

(j) Except as otherwise specifically provided by this SECTION, the committee shall operate under the policies governing study committees adopted by the legislative council.

(k) This SECTION expires January 1, 2006."

Page 10, delete line 42.

Page 11, delete line 1.

Renumber all SECTION consecutively.

(Reference is to ESB 171 as printed March 23, 2005.)

KUZMAN

Motion failed.

HOUSE MOTION (Amendment 171-3)

Mr. Speaker: I move that Engrossed Senate Bill 171 be amended to read as follows:

Page 10, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 11. IC 6-3.1-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. As used in this chapter, "qualified investment" means the amount of a taxpayer's expenditures **or investment** that is:

(1) for redevelopment or rehabilitation of property located within a community revitalization enhancement district designated under IC 36-7-13;

(2) made under a plan adopted by an advisory commission on industrial development under IC 36--13; and

(3) approved by the ~~department of commerce~~ **Indiana economic development corporation** before the expenditure **or investment** is made."

Renumber all SECTIONS consecutively.

(Reference is to ESB 171 March 23, 2005.)

HINKLE

Motion prevailed.

HOUSE MOTION (Amendment 171-4)

Mr. Speaker: I move that Engrossed Senate Bill 171 be amended to read as follows:

Page 3, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in

IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21; or

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; and

(2) the exemption application referred to in section 3 of this chapter was filed properly at least once after the property was designated for a religious use as described in IC 6-1.1-10-21 or an educational use as described in IC 6-1.1-10-16.

However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, this subsection does not apply.

(e) This subsection applies to tangible property owned by a church or religious society that was determined to be exempt from property taxes under an application filed under this chapter for property taxes first due and payable in 2005. Subject to subsection (f), the exemption application referred to in section 3 of this chapter is not required for exemption of the tangible property for taxes first due and payable after 2005.

(f) Subsection (e) does not apply if:

(1) title to any of the tangible property subject to the exemption changes; or

(2) any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application."

Renumber all SECTIONS consecutively.

(Reference is to ESB 171 as printed March 23, 2005.)

BECKER

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 175

Representative Neese called down Engrossed Senate Bill 175 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 200

Representative Behning called down Engrossed Senate Bill 200 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 200-2)

Mr. Speaker: I move that Engrossed Senate Bill 200 be amended to read as follows:

Page 4, line 29, delete "tenth" and insert "**twenty-fifth**".

(Reference is to ESB 200 as printed March 25, 2005.)

HOFFMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 202

Representative Buell called down Engrossed Senate Bill 202 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 202-8)

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended

to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-12-5.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) In addition to projects authorized by the general assembly, the trustees of each higher education institution may engage in any of the following projects so long as there are funds available for the project and the project meets any of the applicable conditions:

(1) Each project to construct buildings or facilities of a cost greater than two hundred thousand dollars (\$200,000), or to purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds one hundred thousand dollars (\$100,000), must be ~~reviewed by the commission for higher education and~~ approved by the governor upon recommendation of the budget agency. If any part of the cost of the project as specified in section 3 of this chapter is paid by state appropriated funds or by mandatory student fees assessed all students and if the project is to construct buildings or facilities of a cost greater than five hundred thousand dollars (\$500,000), or to purchase or lease-purchase land, buildings, or facilities the principal value of which exceeds three hundred thousand dollars (\$300,000), the project must also be approved by the general assembly. Nothing herein limits the trustees in supplementing projects approved by the general assembly from gifts or other available funds so long as approval for the expansion of projects is given by the governor on ~~review by the commission for higher education and~~ recommendation of the budget agency.

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 202 as printed March 18, 2005.)

CHERRY

Motion prevailed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION (Amendment 202-1)

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended to read as follows:

Page 3, between lines 25 and 26, begin a new paragraph and insert: "SECTION 4. [EFFECTIVE JULY 1, 2005] **The trustees of the Indiana State University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5 for the University Hall project (College of Education), so long as the costs of acquiring, constructing, remodeling, renovating, furnishing, or equipping the project financed by any series of bonds issued does not exceed twenty-nine million dollars (\$29,000,000). This project is not eligible for fee replacement.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 202 as printed March 15, 2005.)

KERSEY

Upon request of Representatives Kersey and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 334: yeas 46, nays 48. Motion failed.

Representative Saunders was excused.

HOUSE MOTION (Amendment 202-7)

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended to read as follows:

Page 3, between lines 25 and 26, begin a new paragraph and insert: "SECTION 4. [EFFECTIVE JULY 1, 2005] **The trustees of the University of Southern Indiana may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the architectural and engineering phase of the school of business/general classroom building; related expansion of the physical plant; and completion of the education center, so long as the costs of the architectural and engineering phase of the project financed by any series of bonds issued does not exceed six million six hundred sixteen thousand five hundred nine dollars**

(\$6,616,509). This project is eligible for fee replacement beginning after June 30, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 202 as printed March 15, 2005.)

VAN HAAFTEN

Upon request of Representatives VanHaaften and Avery, the Speaker ordered the roll of the House to be called. Roll Call 335: yeas 43, nays 48. Motion failed.

Representative Saunders, who had been excused, was present.

HOUSE MOTION (Amendment 202-2)

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended to read as follows:

Page 3, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2005] **The trustees of the University of Southern Indiana may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5 for phase II of the wellness/fitness recreational facility, so long as the costs of acquiring, constructing, remodeling, renovating, furnishing, or equipping phase II of the project financed by any series of bonds issued does not exceed seven million two hundred fifty thousand dollars (\$7,250,000). This project is not eligible for fee replacement.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 202 as printed March 15, 2005.)

VAN HAAFTEN

Upon request of Representatives VanHaaften and Avery, the Speaker ordered the roll of the House to be called. Roll Call 336: yeas 44, nays 49. Motion failed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 100, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 6-3.5-6-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) **This section applies only to Miami County. Miami County possesses unique economic development challenges due to:**

- (1) **underemployment in relation to similarly situated counties; and**
- (2) **the presence of a United States government military base or other military installation that is completely or partially inactive or closed.**

Maintaining low property tax rates is essential to economic development, and the use of county option income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described under subsection (c), rather than use of property taxes, promotes that purpose.

(b) In addition to the rates permitted by sections 8 and 9 of this chapter, the county council may impose the county option income tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted gross income of resident county taxpayers if the county council makes the finding and determination set forth in subsection (c). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) In order to impose the county option income tax as provided in this section, the county council must adopt an ordinance finding and determining that revenues from the county option income tax are needed to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail, including the repayment of bonds issued, or leases entered into, for financing, constructing, acquiring, renovating, and equipping a county jail.

(d) If the county council makes a determination under subsection (c), the county council may adopt a tax rate under subsection (b). The tax rate may not be imposed at a rate or for a time greater than is necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail.

(e) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(f) County option income tax revenues derived from the tax rate imposed under this section:

- (1) may only be used for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes described in subsection (c).

SECTION 3. IC 6-3.5-6-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) This section applies only to Howard County. Maintaining low property tax rates is essential to economic development, and the use of county option income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described under subsection (c), rather than the use of property taxes, promotes that purpose.

(b) In addition to the rates permitted by sections 8 and 9 of this chapter, the county income tax council may impose the county option income tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted gross income of resident county taxpayers if the county income tax council makes the finding and determination set forth in subsection (c). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) In order to impose the county option income tax as provided in this section, the county income tax council must adopt an ordinance finding and determining that revenues from the county option income tax are needed to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail, including the repayment of bonds issued, or leases entered into, for financing, constructing, acquiring, renovating, and equipping a county jail.

(d) If the county income tax council makes a determination under subsection (c), the county income tax council may adopt a tax rate under subsection (b). The tax rate may not be imposed at a rate or for a time greater than is necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail.

(e) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(f) County option income tax revenues derived from the tax rate imposed under this section:

- (1) may only be used for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes described in subsection (c).

SECTION 4. IC 6-3.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

- (1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;
- (2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or
- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), ~~or~~ (p), ~~or~~ (s), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), ~~or~~ (p), (r), (t), ~~or~~ (u), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of:
 - (A) fifteen-hundredths percent (0.15%);
 - (B) two-tenths percent (0.2%); or
 - (C) twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000),

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

- (1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and
- (2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than

twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section. However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and
- (2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Miami County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%)."

Page 4, after line 6, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] Notwithstanding the provisions in IC 6-3.5-6 that indicate that an ordinance establishing or increasing the rate of a county option income tax in 2005 must be adopted before April 1, 2005, an ordinance adopted in 2005 to establish an additional rate under IC 6-3.5-6-27, as added by this act, may be adopted before June 1, 2005. An ordinance under this SECTION must be adopted in the same manner as an ordinance under IC 6-3.5-6. An ordinance adopted under this SECTION is effective on the later of the following:

(1) July 1, 2005.

(2) Fifteen (15) regular business days after the department of state revenue receives a certified copy of the ordinance from the county auditor.

SECTION 6. [EFFECTIVE UPON PASSAGE] Notwithstanding the provisions in IC 6-3.5-6 that indicate that an ordinance establishing or increasing the rate of a county option income tax in 2005 must be adopted before April 1, 2005, an ordinance adopted in 2005 to establish an additional rate under IC 6-3.5-6-28, as added by this act, may be adopted before June 1, 2005. An ordinance under this SECTION must be adopted in the same manner as an ordinance under IC 6-3.5-6. An ordinance adopted under this SECTION is effective on the later of the following:

(1) July 1, 2005.

(2) Fifteen (15) regular business days after the department of state revenue receives a certified copy of the ordinance from the county auditor.

SECTION 7. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 100 as printed January 19, 2005.)
and when so amended that said bill do pass.
Committee Vote: yeas 16, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, after "1." insert "(a)".

Page 2, between lines 9 and 10, begin a new paragraph and insert:
"(b) This chapter does not apply to a Class 1 structure that:

(1) is located on real property that adjoins real property that contains an operating business owned by the same person that owns the Class 1 structure; or

(2) is being demolished as part of a routine maintenance program by a person who owns structures located at multiple locations."

Page 2, line 14, delete "parcel or parcels on which" and insert **"footprint below"**.

Page 2, line 14, delete "is located".

(Reference is to SB 181 as printed February 8, 2005.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 195, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "Two (2)" and insert **"Three (3)"**.

Page 1, line 18, delete "interests." and insert **"advocacy organizations."**

Page 2, delete lines 17 through 18.

(Reference is to SB 195 as reprinted January 25, 2005.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 197, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 279, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new

paragraph and insert:

"SECTION 1. IC 5-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state examiner shall require from every municipality and every state or local governmental unit, entity, or instrumentality financial reports covering the full period of each fiscal year. Except as provided by subsection (b), these reports shall be prepared, verified, and filed with the state examiner ~~within~~ **not later than** thirty (30) days after the close of each fiscal year.

(b) The following shall prepare, verify, and file the reports required under subsection (a) not later than sixty (60) days after the ~~end~~ **close** of each fiscal year:

(1) A municipal government.

(2) A public library.

(3) A district (as defined in IC 13-11-2-58(a)) that owns a landfill (as defined in IC 13-11-2-116(c))."

Page 1, line 8, after "issuance" insert ",".

Page 1, line 8, after "renewal," delete "or".

Page 1, line 8, after "transfer" insert ",".

Page 1, line 8, reset in roman "or major".

Page 1, line 9, reset in roman "modification".

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 41. (a) "Construction\demolition waste", for purposes of IC 13-19-3-9 and IC 13-20-21, means:

(1) bricks;

(2) concrete;

(3) stone;

(4) glass;

(5) wallboard;

(6) lumber;

(7) roofing materials; and

(8) any other items;

affixed to a structure that is being constructed or demolished and being disposed of at a waste disposal facility.

(b) The term includes the following:

(1) Plumbing fixtures.

(2) Wiring.

(3) Nonasbestos insulation.

(4) Other items approved by the department."

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 7. IC 13-19-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 9. (a) **This section does not apply to an expansion of a solid waste landfill:**

(1) that only accepts construction\demolition waste; and

(2) for which a construction\demolition waste permit was issued before January 1, 2005.

(b) A solid waste landfill that only accepts construction\demolition waste shall comply with setback requirements concerning public schools established by the board under 329 IAC 10-16-11 for municipal solid waste landfills."

Page 3, line 6, after "applicant for" insert **"the renewal of"**.

Page 3, line 15, after "issuance" insert ",".

Page 3, line 15, after "renewal," delete "or".

Page 3, line 15, after "transfer" insert ",".

Page 3, line 15, reset in roman "or major modification".

Page 8, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 18. IC 13-21-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The requirements of this section:

(1) are in addition to the requirements set forth in IC 6-1.1-18.5-7(b); **and**

(2) do not apply to a district that:

(A) owns a landfill;

(B) will use property tax revenue to:

(i) construct a new landfill cell; or

(ii) close a landfill cell;

at the landfill; and

(C) has received approval from the county fiscal body of the county in which the landfill is located to construct or

close the landfill cell.

(b) To be eligible to include within the district's budget for the following year tax revenue derived from the imposition of a property tax, the first year that a property tax will be imposed and any subsequent year in which the proposed tax levy will increase by five percent (5%) or more, a board must present identical resolutions to each of the county fiscal bodies within the district seeking approval for the use of property tax revenue within the district. The resolution must state the proposed property tax levy and the proposed use of the revenue. The resolution must be stated so that:

- (1) a "yes" vote indicates approval of the levy and the proposed use of property tax revenue within the district; and
- (2) a "no" vote indicates disapproval of the levy and the proposed use of property tax revenue within the district.

(c) For a resolution described in subsection (b) to be approved by the county fiscal body:

- (1) the county fiscal body must record the vote taken on the resolution under subsection (b) before May 1 of the year in which the vote was taken; and
- (2) the recorded vote must indicate approval of the use of property tax revenue within the district.

(d) If all of the county fiscal bodies within a district do not record the approval described in subsection (c) before May 1 of the year in which the vote under subsection (b) was taken, the board may not:

- (1) impose; or
- (2) include within the budget of the board;

a property tax for the year following the year in which the vote was taken.

(e) Notwithstanding subsection (d), after the first year a tax is imposed under this section, the resolution required by subsection (b) for a district that is located in more than two (2) counties need only be approved by a majority of the county fiscal bodies for the counties in which the district is located.

(f) A district may not issue bonds to be repaid, directly or indirectly, with money or property tax revenue of the district until a majority of the members of each of the county fiscal bodies within a district passes a resolution approving the bond issue."

Page 8, line 34, delete ":" and insert ", **"transfer station" has the meaning set forth in IC 13-11-2-235(a).**"

Page 8, delete lines 35 through 38.

Page 8, line 39, after "applies to" insert "**transfer stations.**"

Page 8, delete line 40.

Page 9, after line 3, begin a new paragraph and insert:

"SECTION 18. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 279 as reprinted March 1, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 293, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 371, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 9.

Page 10, delete lines 1 through 34, begin a new paragraph and insert:

"SECTION 1. IC 4-1-8-1, AS AMENDED BY HEA 1288-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family and children;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services; and
 - (D) the office of Medicaid policy and planning; of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Health professions bureau.
- (11) Indiana professional licensing agency.
- (12) ~~Indiana~~ Department of insurance, with respect to licensing of insurance producers.
- (13) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (14) The Indiana state teachers' retirement fund.
- (15) The state police benefit system.
- (16) The alcohol and tobacco commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, the health professions bureau, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.
- (2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1** may require an individual who applies to the board for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the board only for conducting a background investigation, if the board is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 6-3.1-2-1, AS AMENDED BY HEA 1288-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, the following terms have the following meanings:

- (1) "Eligible teacher" means a teacher:
 - (A) certified in a shortage area by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and
 - (B) employed under contract during the regular school term by a school corporation in a shortage area.
- (2) "Qualified position" means a position that:
 - (A) is relevant to the teacher's ~~academic training~~ **education** in a shortage area; and
 - (B) has been approved by the Indiana state board of education under section 6 of this chapter.
- (3) "Regular school term" means the period, other than the school summer recess, during which a teacher is required to perform duties assigned to the teacher under a teaching contract.
- (4) "School corporation" means any corporation authorized by law to establish public schools and levy taxes for their maintenance.
- (5) "Shortage area" means the subject areas of mathematics and science and any other subject area designated as a shortage area by the Indiana state board of education.
- (6) "State income tax liability" means a taxpayer's total income tax liability incurred under IC 6-3 and IC 6-5.5, as computed after application of credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 3. IC 9-24-2-1, AS AMENDED BY HEA 1288-2005, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A driver's license or a learner's permit may not be issued to an individual less than eighteen (18) years of age who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-33-2-11.
- (2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.
- (3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.
- (4) Has withdrawn from school **and:**
 - (A) ~~withdrew before graduating~~;
 - (B) ~~withdrew~~ for a reason other than financial hardship; and
 - (C) the withdrawal was reported under IC 20-33-2-21(a). ~~before graduating~~.

(5) Is considered a dropout under IC 20-33-2-9.5.

(b) At least five (5) days before holding an exit interview under ~~IC 20-33-2-6(a)(3)~~; **IC 20-33-2-9.5**, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian of the following:

- (1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.
- (2) If the principal determines that the reason for the student's withdrawal is not financial hardship:
 - (A) the student and the student's parent or guardian will receive a copy of the determination; and
 - (B) the student's name will be submitted **by the student's school principal** to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

SECTION 4. IC 9-27-4-5.5, AS AMENDED BY HEA 1288-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) To receive an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must complete at least twelve (12) semester hours in driver education courses, of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:

- (1) a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and
- (2) at least five (5) years of teaching experience in driver education.

(b) The three (3) semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon completion and may only be performed at a high school, a

commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) hours of driver education courses required under subsection (a) must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours required under subsection (a) do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

- (1) The individual meets the requirements of subsection (a).
- (2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.
- (3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

- (1) during 1995, held an instructor's license;
- (2) meets the requirements of subsection (d)(2) and (d)(3); and
- (3) completes the twelve (12) semester hours of driver education courses required under subsection (a) not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

- (1) holds a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and
- (2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 5. IC 10-13-3-38.5, AS AMENDED BY HEA 1288-2005, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat. 1115), the department may use an individual's fingerprints submitted by the individual for the following purposes:

- (1) Determining the individual's suitability for employment with the state, or as an employee of a contractor of the state, in a position:
 - (A) that has a job description that includes contact with, care of, or supervision over a person less than eighteen (18) years of age;
 - (B) that has a job description that includes contact with, care of, or supervision over an endangered adult (as defined in IC 12-10-3-2), except the individual is not required to meet the standard for harmed or threatened with harm set forth in IC 12-10-3-2(a)(3);
 - (C) at a state institution managed by the office of the secretary of family and social services or state department of health;
 - (D) at the Indiana School for the Deaf established by IC 20-22-2-1;
 - (E) at the Indiana School for the Blind established by IC 20-21-2-1;
 - (F) at a juvenile detention facility;
 - (G) with the gaming commission under IC 4-33-3-16;
 - (H) with the department of financial institutions under IC 28-11-2-3; or
 - (I) that has a job description that includes access to or supervision over state financial or personnel data, including state warrants, banking codes, or payroll information pertaining to state employees.
- (2) Identification in a request related to an application for a

teacher's license submitted to the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1**.

An applicant shall submit the fingerprints in an appropriate format or on forms provided for the employment or license application. The department shall charge each applicant the fee established under section 28 of this chapter and by federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints. The department may forward fingerprints submitted by an applicant to the Federal Bureau of Investigation or any other agency for processing. The state personnel department or the agency to which the applicant is applying for employment or a license may receive the results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

SECTION 6. IC 11-10-5-2, AS AMENDED BY HEA 1288-2005, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The **advisory board of the division of professional standards board** established by ~~IC 20-28-2-1~~ **IC 20-28-2-2** shall, in accord with IC 20-28-4 and IC 20-28-5, adopt rules under IC 4-22-2 for the licensing of teachers to be employed by the department.

SECTION 7. IC 11-10-5-3, AS AMENDED BY HEA 1288-2005, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Limited certificates valid for one (1) year may be granted, upon the request of the commissioner, according to rules of the **advisory board of the division of professional standards board** established by ~~IC 20-28-2-1~~ **IC 20-28-2-2**. Modification of these rules may be made by the **advisory board of the division of professional standards board** in a way reasonably calculated to make available an adequate supply of qualified teachers. A limited certificate may be issued in cases where special **training education** and qualifications warrant the waiver of part of the prerequisite professional **training education** required for certification to teach in the public schools. The limited certificate, however, may be issued only to applicants who have graduated from an accredited college or university. Teachers of vocational education need not be graduates of an accredited college or university but shall meet requirements for conditional vocational certificates as determined by the ~~professional standards board~~ **department of education**.

SECTION 8. IC 12-17-2-34, AS AMENDED BY HEA 1288-2005, SECTION 132, IS A MENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) When the Title IV-D agency finds that an obligor is delinquent and can demonstrate that all previous enforcement actions have been unsuccessful, the Title IV-D agency shall send, to a verified address, a notice to the obligor that ~~includes~~ **does** the following:

- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in arrears.
- (3) States that unless the obligor:
 - (A) pays the obligor's child support arrearage in full;
 - (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the Title IV-D agency to pay the arrearage; or
 - (C) requests a hearing under section 35 of this chapter;
 within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.
- (4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:
 - (A) Pay the obligor's child support arrearage in full.
 - (B) Request the activation of an income withholding order under IC 31-16-15-2 and establish a payment plan with the Title IV-D agency to pay the arrearage.
 - (C) Request a hearing under section 35 of this chapter.
- (5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after

the notice is mailed, that the Title IV-D agency shall issue a notice to:

- (A) the board **or department** that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;
- (B) the supreme court disciplinary commission if the obligor is licensed to practice law;
- (C) the ~~professional standards board~~ **as department of education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1** if the obligor is a licensed teacher;
- (D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;
- (E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;
- (F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or
- (G) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:
 - (i) IC 14-22-12 (fishing, hunting, and trapping licenses).
 - (ii) IC 14-22-14 (Lake Michigan commercial fishing license).
 - (iii) IC 14-22-16 (bait dealer's license).
 - (iv) IC 14-22-17 (mussel license).
 - (v) IC 14-22-19 (fur buyer's license).
 - (vi) IC 14-24-7 (nursery dealer's license).
 - (vii) IC 14-31-3 (ginseng dealer's license).
- (6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.
- (7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.
- (8) Explains the procedures to:
 - (A) pay the obligor's child support arrearage in full;
 - (B) establish a payment plan with the Title IV-D agency to pay the arrearage; and
 - (C) request the activation of an income withholding order under IC 31-16-15-2.
- (b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:
 - (1) pay the obligor's child support arrearage in full;
 - (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
 - (3) request a hearing under section 35 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;
 the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.
- (c) An order issued under subsection (b) must require the following:
 - (1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.
 - (2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.
- (d) The Title IV-D agency shall provide the:
 - (1) full name;
 - (2) date of birth;
 - (3) verified address; and
 - (4) Social Security number or driving license number;
 of the obligor to the bureau of motor vehicles.
- (e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has

failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board or department regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the professional standards board department of education if the obligor is a licensed teacher, that the obligor is delinquent.

(h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

(i) When the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) When the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3."

Page 22, between lines 34 and 35, begin a new paragraph and insert:

"(c) Beginning July 1, 2005, the department, before issuing an initial teaching license at any grade level to an undergraduate applicant for an initial teaching license, shall require the applicant to show evidence that the applicant meets one (1) of the following criteria:

- (1) Has successfully completed a course approved by the board in:**
 - (A) cardiopulmonary resuscitation that includes a test**

demonstration on a mannequin;

(B) removing a foreign body causing an obstruction in an airway; and

(C) the Heimlich maneuver.

(2) Holds a valid certification in the procedures described in subdivision (1) issued by:

(A) the American Red Cross;

(B) the American Heart Association; or

(C) a comparable organization or institution approved by the board.

(3) Has physical limitations that make it impracticable for the applicant to complete the course and certification required under subdivisions (1) and (2)."

Page 22, line 35, strike "(c)" and insert "(d)".

Page 26, between lines 2 and 3, begin a new paragraph and insert:

"(b) Each individual who completes a written examination described in subsection (a) must receive the following from the examination's scorer:

(1) The individual's total test score.

(2) Subscores for each area tested.

(3) Itemized descriptions of the areas in which the individual was found to be deficient.

(c) This subsection applies to an individual who has attempted the written examination described in subsection (a) at least two (2) times and has failed to demonstrate proficiency in a test area by not more than two (2) points. An individual to whom this subsection applies may demonstrate proficiency in a test area described in this subsection by having the teacher education school or department in which the individual is a student certify to the department that, based upon the individual's coursework, grades, fieldwork, and student teaching, and evaluations by the individual's instructors, the individual possesses the content knowledge assessed in the written examination."

Page 26, line 3, strike "(b)" and insert "(d)".

Page 26, line 6, strike "(c)" and insert "(e)".

Page 26, line 12, strike "(d)" and insert "(f)".

Page 26, line 16, strike "(e)" and insert "(g)".

Page 26, line 18, strike "(f)" and insert "(h)".

Page 31, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 41. IC 20-8.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until the date on which the individual meets one (1) of the following conditions, whichever occurs first:

(1) Graduates.

(2) Reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and meets the requirements under subsection (j) concerning an exit interview are met section 17.6 or 17.7 of this chapter, enabling the individual to withdraw from school before graduation. or

(3) Reaches at least eighteen (18) years of age.

whichever occurs first:

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the

school corporation in which the individual is enrolled in Indiana; or

(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

- (1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).
- (2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

- (1) enroll the individual in a nonaccredited, nonpublic school; or
- (2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

- ~~(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and~~
- ~~(2) at the exit interview the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.~~

~~(k) (j) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).~~

SECTION 42. IC 20-8.1-3-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-8.1-5.1-7:

- (1) a definition of a student who is designated as a habitual truant, **who must be defined at a minimum as someone who is chronically absent, by missing more than ten (10) unexcused days of school in one (1) school year;**
- (2) the procedures under which subsection (b) will be administered; and
- (3) all other pertinent matters related to this action.

(b) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or learner's permit, and subject to subsections (c) through (e), a person who is:

- (1) at least thirteen (13) years of age but less than fifteen (15) years of age;
- (2) a habitual truant under the definition of habitual truant established under subsection (a); and
- (3) identified in a list submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle or motorcycle under IC 9-24 until the person is at least eighteen (18) years of age.

(c) A person described in subsection (b) is entitled to the procedure described in IC 20-8.1-5.1-13.

(d) Each person described in subsection (b) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of that person's attendance record in school in order to determine whether the prohibition described in subsection (b) shall continue. In no event may the periodic reviews be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the person's attendance record has improved to the degree that the person may become eligible to be issued an operator's license or a learner's permit.

(f) Before February 1 and before October 1 of each year, the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning a person's ineligibility under subsection (b) to be issued the license or permit.

(g) The department of education shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (a).

SECTION 43. IC 20-8.1-3-17.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.6. (a) This section applies to an individual:

(1) who:

- (A) attends or last attended a nonpublic nonaccredited school;
- (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and
- (C) has not completed the requirements for graduation; and

(2) who:

- (A) wishes to withdraw from school before graduation;
- (B) fails to return at the beginning of a semester; or
- (C) stops attending school during a semester.

(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide written consent.

SECTION 44. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.7. (a) This section applies to an individual:

(1) who:

- (A) attends or last attended a public or nonpublic accredited school;
- (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and
- (C) has not completed the requirements for graduation;

(2) who:

- (A) wishes to withdraw from school before graduation;
- (B) fails to return at the beginning of a semester; or
- (C) stops attending school during a semester; and
- (3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) The school principal approves of the withdrawal.
- (4) The withdrawal is because of financial hardship and the individual is employed to support the individual's family or dependents.

(5) The school principal provides to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma.

(6) The school principal advises the student and the student's parent that a driver's license or learner's permit may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

(7) The school principal advises the student and the student's parent that an employment certificate may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

(c) For purposes of this section, the following must be in written form:

(1) An individual's request to withdraw from school.

(2) A parent's consent to a withdrawal.

(3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public or nonpublic accredited school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-5.5-1-4), and each nonpublic accredited school shall provide an annual report to the department setting forth the following information:

(1) The total number of individuals:

(A) who withdrew from school under this section; and

(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school for the reason set forth in subsection (b)(4).

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-8.1-4-12, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section,

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery. For purposes of IC 20-8.1-4-12 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 45. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) Except as provided in subsection (b), upon presentation of the documents required by section 7 of this chapter, an employment certificate shall

be issued immediately to the child. However, an issuing officer may deny a certificate to a child:

(1) whose attendance is not in good standing; or

(2) whose academic performance does not meet the school corporation's standard.

(b) An employment certificate may not be issued to a student who meets any of the following conditions:

(1) Is a habitual truant under IC 20-8.1-3-17.2.

(2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.

(3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.

(4) Is considered a dropout under IC 20-8.1-3-17.7.

(5) Does not meet the academic performance standards of the school corporation.

(c) Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.

(d) A student may appeal the denial of a certificate under subsection (a) to the school principal.

(e) At least five (5) days before holding an exit interview under IC 20-8.1-3-17.7, the school corporation shall give notice by certified mail or personal delivery to the student or the student's parent of the following:

(1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.

(2) If the principal determines that the reason for the student's withdrawal is not financial hardship:

(A) the student and the student's parent will receive a copy of the determination; and

(B) the student's name will be submitted to the bureau of child labor by the student's school principal for the bureau of child labor's use in denying or invalidating an employment certificate under this section."

Page 34, after line 42, begin a new paragraph and insert:

"SECTION 46. IC 20-10.1-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall:

(1) authorize the development and implementation of the Indiana statewide testing for educational progress program; and

(2) determine the date, which for school years beginning after June 30, 2006, must be during the first two (2) weeks that end in May of the school year, on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

(1) Take into account the academic standards.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

(3) Provide for a pilot test for reliability and validation to be given during the first two (2) weeks that end in May 2006, and for the following schedule concerning the administration, scoring, and reporting of results, for school years beginning after June 30, 2006:

(A) Test administration conducted during the first two (2) weeks that end in May.

(B) Test scoring completed before June 16.

(C) Test results reported to teachers and parents before July 1.

(D) Yearly progress reported to parents and the federal government before July 16.

SECTION 47. IC 20-10.1-16-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) Before August 2, 2005, the department shall develop a ten (10) year plan for student diagnostic and summative achievement assessment that must include a system that:

(1) has as its purposes to:

(A) provide teachers with diagnostic assessment tools

during the school year to determine whether each student is learning below, at, or above the academic standards for that grade and subject so that the teacher may direct instruction accordingly;

(B) annually assess the progress of each student under the academic standards toward the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and

(C) confirm before graduation that each student has the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning.

(2) uses:

(A) a diagnostic assessment tool for language arts (including English), mathematics, science, and social studies in kindergarten through at least grade 8 to support on-line, intra-year diagnostic assessments of individual or collective students by teachers to assist efforts to accelerate learning by students performing below expectations and support further learning by students performing at or above expectations;

(B) annual on-line end of the school year assessments for grades 3 through 8 that assess whether students are proficient in the subject matter of the grades in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and grades;

(C) on-line end of course assessments in grades 9 through 12 that assess whether students are proficient in the subject matter of the courses in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and courses;

(D) a new graduation examination, effective at least for the students expected to graduate at the end of the school year beginning July 1, 2010, and ending June 30, 2011, that confirms that the student has demonstrated the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and

(E) a separate written essay examination for each grade that must be reported as a separate part of the assessment results and that must be used independently by teachers and schools to determine whether the student is writing at a level commensurate with the needs and expectations of learning and communicating at that grade level;

(3) uses on-line testing to provide ease of use and timely return of results;

(4) supports an annual cycle of learning, assessment, and feedback that:

(A) provides on-line question banks and means for diagnostic assessments for teachers to use during the school year to assess whether students are performing below, at, or above expectations for each subject and grade;

(B) administers annual student assessments and graduate examinations during the first two (2) weeks that end in May each year;

(C) reports results to teachers, parents, communities, and the federal government before July 16 each year; and

(D) provides for a common method and means by which teachers shall grade the independent written essay.

(b) Before October 1, 2005, the department, the office of management and budget, and the attorney general shall develop specifications and a process for a long term contract with an assessment provider to implement the plan developed under this section. The department shall consult with postsecondary education and workplace employers in the state to ensure that the specifications comply with subsection (a)(1)(C). The department shall consult with superintendents in the state to ensure that the specifications comply with subsection (a)(2)(A). The specifications must comply with this section. The initial specifications must provide for pilot assessments to be given in the period during the

first two (2) weeks that end in May 1, 2006, and annual assessments to be given during the first two (2) weeks of May 2007. The process must solicit interest from national and international assessment companies, put out a request for proposals, and solicit proposals for a plan to transition to the assessment system provided for in this section and manage the system, subject to the specifications, until the school year beginning July 1, 2016, and ending June 30, 2017, notwithstanding any other law that limits the maximum term of state contracts. Proposals received shall be reviewed jointly by the department and the office of management and budget, which shall jointly determine the successful bidder, subject to the approval of the attorney general for form and legality of the bid process. The bid process must be completed before January 1, 2006.

(c) If a successful bidder is selected, the pilot test contemplated by section 4(c)(3) of this chapter for the period during the first two (2) weeks that end in May 2006, shall be replaced by the pilot test contemplated by this section."

Page 36, between lines 5 and 6, begin a new paragraph and insert: "SECTION 56. IC 20-12-22.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:"

Chapter 22.2. Teacher Recruitment and Retention Fund

Sec. 1. As used in this chapter, "board" refers to the advisory board of the division of professional standards of the department of education established by IC 20-28-2-2.

Sec. 2. As used in this chapter, "fund" refers to the teacher recruitment and retention fund established by section 3 of this chapter.

Sec. 3. (a) The teacher recruitment and retention fund is established.

(b) The purpose of the fund is to attract additional qualified teachers to the geographic areas of Indiana where there is a critical shortage of teachers, as determined by the board, by granting loan repayment assistance authorized under this chapter to eligible applicants.

(c) The fund consists of gifts, grants, devises, or bequests made to the state to achieve the purposes of the fund.

(d) The fund shall be administered by the board. The expenses of administering the fund shall be paid from money in the fund.

(e) Funds appropriated to the fund shall be placed in the state treasury to the credit of the fund. Loan repayment assistance payments shall be made from the fund by the treasurer of state upon a warrant issued by the auditor of state in accordance with rules adopted by the board.

Sec. 4. The board shall receive and consider all applications for loan repayment assistance received from teachers with outstanding guaranteed student loans made, issued, or guaranteed under a program authorized by Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

Sec. 5. (a) To qualify for loan repayment assistance for student loans under this chapter a person must:

(1) hold a license to teach under IC 20-28-5;

(2) complete at least one (1) year of teaching service in a geographic area of Indiana where a critical shortage of teachers exists, as determined by the board;

(3) agree in writing to the employment requirements set forth in section 7 of this chapter; and

(4) meet any additional criteria established by the board.

(b) For each year for which a teacher qualifies under subsection (a), the board may grant loan repayment assistance to the teacher in an amount not to exceed the lesser of:

(1) fifty percent (50%) of the total principal and interest of the guaranteed student loans owed by the teacher during the year for which the teacher qualifies under subsection (a); or

(2) three thousand dollars (\$3,000).

(c) The loan repayment assistance granted to a qualified teacher under this chapter must be used to reduce the principal and interest on a guaranteed student loan owed by that qualified teacher. The years of service rendered to obtain loan repayment assistance for student loans must be consecutive and may not exceed five (5) years. The maximum amount of loan repayment

assistance that may be granted to any qualified teacher is fifteen thousand dollars (\$15,000).

Sec. 6. A qualified teacher must apply for a loan repayment on a form supplied by the board. The board shall consider each application and determine the eligibility of the applicant for the loan repayment assistance.

Sec. 7. (a) Before being granted loan repayment assistance under this chapter, a teacher must enter into a contract with the board agreeing to the terms and conditions upon which the loan repayment assistance will be granted to the teacher.

(b) As a condition of being granted loan repayment assistance under this chapter, a teacher must agree to employment for a period of at least five (5) years as a licensed teacher in a school district located in a geographic area of Indiana where a critical shortage of teachers exists.

(c) Service rendered by a teacher in a geographic area where a critical shortage of teachers exists before that teacher becomes a participant in the program may not be considered to have fulfilled the employment commitment required by subsection (b).

(d) A person failing to comply with the employment commitment required by subsection (b) in any required school year is immediately in breach of contract and immediately becomes liable to the board for the sum of all loan payments awarded to that person, less one-third (1/3) of the amount of that sum for each year that service was rendered, plus interest accruing at the current federal Stafford Loan rate at the time the breach occurs.

Sec. 8. The board shall maintain complete and accurate records in implementing the fund, including records of the following:

- (1) The receipt, disbursement, and uses of money from the fund.**
- (2) The number of applications for loan repayment assistance.**
- (3) The number and amount of loans for which loan repayment assistance has been provided by the board.**
- (4) Other pertinent information requested by the board.**

Sec. 9. The board may adopt rules under IC 4-22-2 necessary to carry out this chapter, including rules governing the enforcement of any employment requirements and repayment requirements.

SECTION 57. IC 20-18-2-22, AS ADDED BY HEA 1288-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain ~~teacher training preparations~~ educational preparation and licensing.

(b) For purposes of IC 20-28, the term includes the following:

- (1) A superintendent.**
- (2) A supervisor.**
- (3) A principal.**
- (4) An attendance officer.**
- (5) A teacher.**
- (6) A librarian.**

SECTION 58. IC 20-20-31-10, AS ADDED BY HEA 1288-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The state board shall approve an evaluation system for professional development based on recommendations from the department and the **advisory board of the division of professional standards ~~board~~ established by ~~IC 20-28-2-1~~ **IC 20-28-2-2**. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:**

- (1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ISTEP program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6, local tests, classroom work, and teacher and administrator observations.**
- (2) A procedure for using collected data to make decisions.**
- (3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.**

SECTION 59. IC 20-24-8-4, AS ADDED BY HEA 1288-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

- (1) An Indiana statute applicable to a governing body or school corporation.**
- (2) A rule or guideline adopted by the state board.**
- (3) A rule or guideline adopted by the **advisory board of the division of professional standards** ~~board of the department~~ established by ~~IC 20-28-2-1(a)~~ **IC 20-28-2-2**, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.**
- (4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.**

SECTION 60. IC 20-26-11-11, AS ADDED BY HEA 1288-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A school corporation may enter into an agreement with:

- (1) a nonprofit corporation that operates a federally approved education program; or**
- (2) a nonprofit corporation that:**
 - (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;**
 - (B) for its classroom instruction, employs teachers who are certified by the **professional standards board; department;****
 - (C) employs other professionally and state licensed staff as appropriate; and**
 - (D) educates children who:**
 - (i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to be emotionally disturbed;**
 - (ii) have been placed with the nonprofit corporation by court order;**
 - (iii) have been referred by a local health department; or**
 - (iv) have been placed in a state licensed private or public health care or child care facility as described in section 8(b) of this chapter;**

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the transfer tuition of the student. The amount agreed upon may not exceed the transfer tuition costs that otherwise would be payable to the transferee corporation.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the transfer tuition costs that otherwise would be payable to a transferee school corporation.

SECTION 61. IC 20-28-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. "Advisory board**" refers to the **advisory board of the division of professional standards** ~~established by IC 20-28-2-2~~.**

SECTION 62. IC 20-28-1-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. "Applicant" refers to an applicant for:

- (1) a new license;**
- (2) a renewal license; or**
- (3) a substitute teacher certificate;**

issued by the ~~board~~ department.

SECTION 63. IC 20-28-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5 "Division**" refers to the **division of professional standards of the department of education** ~~established by IC 20-28-2-1.5~~.**

SECTION 64. IC 20-28-1-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "License" refers to a document issued by the ~~board~~ department that grants permission to serve as a

particular kind of teacher. The term includes any certificate or permit issued by the ~~board~~ **department**.

SECTION 65. IC 20-28-2-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~(a) Except as provided in section 6 of this chapter, the professional standards board is established to govern teacher training and licensing programs: (b) Notwithstanding any other law, the board and the board's staff have department has the sole authority and responsibility for making recommendations concerning and governing teacher training education and teacher licensing matters, including professional development.~~

SECTION 66. IC 20-28-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. **The division of professional standards is established within the department to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 67. IC 20-28-2-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **The advisory board of the division of professional standards is established to advise the superintendent, the board, the department, and the division on matters concerning teacher education, licensing, and professional development.** The advisory board consists of nineteen (19) voting members.

(b) Except as otherwise provided, each voting member of the **advisory** board described in this subsection must be actively employed by a school corporation. Eighteen (18) members shall be appointed by the governor as follows:

- (1) One (1) member must hold a license and be actively employed in a public school as an Indiana school superintendent.
- (2) Two (2) members must:
 - (A) hold licenses as public school principals;
 - (B) be actively employed as public school principals; and
 - (C) be employed at schools having dissimilar grade level configurations.
- (3) One (1) member must:
 - (A) hold a license as a special education director; and
 - (B) be actively employed as a special education director in:
 - (i) a school corporation; or
 - (ii) a public school special education cooperative.
- (4) One (1) member must be a member of the governing body of a school corporation but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.
- (5) Three (3) members must meet the following conditions:
 - (A) Represent Indiana teacher ~~training~~ **education** units within Indiana public and private institutions of higher education.
 - (B) Hold a teacher's license but not necessarily an Indiana teacher's license.
 - (C) Be actively employed by the respective teacher ~~training~~ **education** units.

The members described in this subdivision are not required to be employed by a school corporation.
- (6) Nine (9) members must be licensed and actively employed as Indiana public school teachers in the following categories:
 - (A) At least one (1) member must hold an Indiana standard early childhood education license.
 - (B) At least one (1) member must hold an Indiana teacher's license in elementary education.
 - (C) At least one (1) member must hold an Indiana teacher's license for middle/junior high school education.
 - (D) At least one (1) member must hold an Indiana teacher's license in high school education.
- (7) One (1) member must be a member of the business community in Indiana but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.
- (c) Each member described in subsection (b)(6) must be licensed and actively employed as a practicing teacher in at least one (1) of the

following areas to be appointed:

- (1) At least one (1) member must be licensed in special education.
 - (2) At least one (1) member must be licensed in vocational education.
 - (3) At least one (1) member must be employed and licensed in student services, which may include school librarians or psychometric evaluators.
 - (4) At least one (1) member must be licensed in social science education.
 - (5) At least one (1) member must be licensed in fine arts education.
 - (6) At least one (1) member must be licensed in English or language arts education.
 - (7) At least one (1) member must be licensed in mathematics education.
 - (8) At least one (1) member must be licensed in science education.
 - (d) At least one (1) member described in subsection (b) must be a parent of a student enrolled in a public preschool or public school within a school corporation in either kindergarten or any of grades 1 through 12.
 - (e) The state superintendent shall serve as an ex officio voting member of the **advisory** board. The state superintendent may make recommendations to the governor as to the appointment of members on the **advisory** board.
- SECTION 68. IC 20-28-2-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The term of office for the appointed members of the **advisory** board is four (4) years.
- SECTION 69. IC 20-28-2-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **The superintendent shall appoint the chairperson director of the advisory board, shall be elected by a majority of the members of the board who shall be known as the secretary of professional standards, from among the members of the advisory board for a term of one (1) year. A member may be reelected reappointed to serve as a chairperson director for subsequent terms.**
- SECTION 70. IC 20-28-2-5, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) Each member of the **advisory** board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the **advisory** board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 71. IC 20-28-2-6, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) **Subject to subsection (c) and** in addition to the powers and duties set forth in IC 20-20-22 or this article, the **advisory** board ~~shall may~~ adopt rules under IC 4-22-2 to do the following:

- (1) Set standards for teacher licensing and ~~administer for the administration of~~ a professional licensing and certification process **by the department**.
- (2) Approve or disapprove teacher preparation programs.
- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing concerning new subjects of study.
- (7) Evaluate work experience and military service concerning higher education and experience equivalency.
- (8) Perform any other action that:

(A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and

(B) attracts qualified candidates for teacher **training education** from among the high school graduates of Indiana.

(9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) Before publishing notice of the intent to adopt a rule under IC 4-22-2, the advisory board must submit the proposed rule to the state superintendent for approval. If the state superintendent approves the rule, the advisory board may publish notice of the intent to adopt the rule. If the state superintendent does not approve the rule, the advisory board may not publish notice of the intent to adopt the rule.

SECTION 72. IC 20-28-2-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) The **board department** may recommend to the general assembly for consideration measures relating to the **board's department's** powers and duties that improve the quality of teacher preparation or teacher licensing standards.

(b) The **board department** shall submit to the general assembly before November 1 of each year a report:

(1) detailing the findings and activities of the **department, the division, and the advisory board**; and

(2) including any recommendations developed by the **board under this chapter**.

A report under this subsection must in an electronic format under IC 5-14-6.

SECTION 73. IC 20-28-2-8, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) The **board department** may, subject to approval by the budget agency, do the following to **administer the responsibilities of the department described in section 2 of this chapter**:

(1) Establish advisory committees the **board department** determines necessary.

(2) Expend funds made available to the **board department** according to policies established by the budget agency.

(b) The **board department** shall comply with the requirements for submitting a budget request to the budget agency as set forth in IC 4-12-1, **for funds to administer the responsibilities of the department described in section 2 of this chapter**.

SECTION 74. IC 20-28-2-9, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. IC 4-21.5 applies to orders issued by the **board department under this chapter**.

SECTION 75. IC 20-28-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. There is established the professional standards fund to be administered by the department. The fund consists of fees collected under this chapter. Money in the fund does not revert to the state general fund at the end of a state fiscal year.**

SECTION 76. IC 20-28-3-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The **board department** shall:

(1) arrange a statewide system of professional instruction for teacher **training, education**;

(2) accredit and inspect teacher **training education** schools and departments that comply with the rules of the **board department**;

(3) recommend and approve courses for the **training education** of particular kinds of teachers in accredited schools and departments; and

(4) specify the types of licenses for graduates of approved courses.

(b) The department shall work with teacher education schools and departments to develop a system of teacher education that

ensures individuals who graduate from the schools and departments are able to meet the highest professional standards.

SECTION 77. IC 20-28-3-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) An accredited school or department may use the word "accredited" in advertising approved courses and the types of teachers the school or department is accredited to prepare. An accredited school or department may enter into the student teaching agreements specified in IC 20-26-5.

(b) The **board department** shall revoke the right to use the word "accredited" when an accredited school or department refuses to abide by the **advisory board's** rules.

SECTION 78. IC 20-28-3-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The **board, in consultation with the department**, shall develop guidelines for use by accredited teacher **training education** institutions and departments in preparing individuals to teach in various environments.

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency (as defined in IC 20-31-2-5).

SECTION 79. IC 20-28-4-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Subject to the requirements of this chapter, the **board department** shall develop and administer the program. The **board department** shall determine the details of the program that are not included in this chapter.

SECTION 80. IC 20-28-4-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Each accredited teacher **training education** school and department in Indiana shall establish a course of study that constitutes the higher education component of the program. The higher education component required under this section must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to teach in grades 6 through 12, up to eighteen (18) credit hours of study or the equivalent that prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching reading, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on the communication of knowledge to students.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 81. IC 20-28-4-6, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The **board department** shall grant an initial standard license to a program participant who does the following:

(1) Successfully completes the higher education component of the program.

(2) Demonstrates proficiency through a written examination in:

(A) basic reading, writing, and mathematics;

(B) pedagogy; and

(C) knowledge of the areas in which the program participant is required to have a license to teach;

under IC 20-28-5-12(b).

(3) Participates successfully in a beginning teacher internship program under IC 20-6.1-8 (repealed) that includes implementation in a classroom of the teaching skills learned in the higher education component of the program.

(4) Receives a successful assessment of teaching skills upon

completion of the beginning teacher internship program under subdivision (3) from the administrator of the school where the beginning teacher internship program takes place, or, if the program participant does not receive a successful assessment, **participates continues participating** in the beginning teacher internship program. ~~for a second year as provided under IC 20-6-1-8-13 (repealed): The appeals provisions of IC 20-6-1-8-14 (repealed) apply to an assessment under this subdivision.~~

SECTION 82. IC 20-28-4-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. This section applies to a program participant who has a degree described in section 5 of this chapter that does not include all the content areas of a standard license issued by the ~~board~~ **department**. The ~~board~~ **department** shall issue an initial standard license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

SECTION 83. IC 20-28-4-10, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The **advisory** board may adopt rules under IC 4-22-2 to administer this chapter.

(b) Rules adopted under this section must include a requirement that accredited teacher **training education** schools and departments in Indiana submit an annual report to the ~~board~~ **department** of the number of individuals who:

- (1) enroll in; and
- (2) complete;

the program.

SECTION 84. IC 20-28-5-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~board~~ **department** is responsible for the licensing of teachers.

SECTION 85. IC 20-28-5-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The **advisory** board may adopt rules for:

- (1) the issuance of a substitute teacher's license; and
- (2) the employment of substitute teacher licensees.

An individual may not serve as a substitute teacher without a license issued by the ~~board~~ **department**.

SECTION 86. IC 20-28-5-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The ~~board~~ **department** shall designate:

- (1) the grade point average required for each type of license; and
- (2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The ~~board~~ **department** shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher **training education** schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher **training education** institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The ~~board~~ **department** shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) The ~~board~~ **department** shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the types of licenses issued;
- (3) the rules governing the issuance of each type of license; and
- (4) other similar matters.

SECTION 87. IC 20-28-5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. **Beginning July 1, 2005, the department, before issuing an initial teaching license at any grade level to an undergraduate applicant for an initial teaching license, shall require the applicant to show evidence that the applicant meets one (1) of the following criteria:**

(1) Has successfully completed a course approved by the board in:

- (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**
- (B) removing a foreign body causing an obstruction in an airway; and**
- (C) the Heimlich maneuver.**

(2) Holds a valid certification in the procedures described in subdivision (1) issued by:

- (A) the American Red Cross;**
- (B) the American Heart Association; or**
- (C) a comparable organization or institution approved by the board.**

(3) Has physical limitations that make it impracticable for the applicant to complete the course and certification required under subdivisions (1) and (2).

SECTION 88. IC 20-28-5-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. On the written recommendation of the state superintendent, the ~~board~~ **department** may suspend or revoke a license for:

- (1) immorality;
- (2) misconduct in office;
- (3) incompetency; or
- (4) willful neglect of duty.

For each suspension or revocation, the ~~board~~ **department** shall comply with IC 4-21.5-3.

SECTION 89. IC 20-28-5-8, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c).

(c) The ~~board~~ **department**, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the ~~board~~ **department** to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less

than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(12) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).

(13) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(14) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(15) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(16) Dealing in a counterfeit substance (IC 35-48-4-5).

(17) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

SECTION 90. IC 20-28-5-9, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) An applicant must do the following:

(1) Submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3.

(2) Obtain a copy of the limited criminal history for the applicant from the repository's records.

(3) Submit to the ~~board~~ department the limited criminal history for the applicant.

(4) Submit to the ~~board~~ department a document verifying a disposition that does not appear on the limited criminal history for the applicant.

(b) The ~~board~~ department may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(c) The ~~board~~ department must use the information obtained under this section in accordance with IC 10-13-3-29.

(d) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 91. IC 20-28-5-10, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The ~~board~~ department shall keep a record of:

(1) all licenses issued;

(2) all licenses in force; and

(3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.

(b) A superintendent of a school corporation shall register and keep a record of the following for each licensed teacher employed by the school corporation:

(1) The type of license held by the teacher.

(2) The teacher's date of first employment.

(3) The teacher's annual or monthly salary.

SECTION 92. IC 20-28-5-11, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section does not apply to an individual who, on September 1, 1985, has earned more than the equivalent of twelve (12) semester hours of graduate credit.

(b) The ~~board~~ department may not renew the junior high/middle school or secondary education license of a teacher on the basis of the teacher obtaining a graduate degree unless the teacher completes at least the equivalent of eighteen (18) semester hours beyond the teacher's undergraduate degree in any combination of courses in the teacher's major, minor, primary, supporting, or endorsement areas. The semester hours may include graduate hours or undergraduate hours, or both, as determined by the board.

(c) The ~~advisory~~ board may:

(1) adopt rules under IC 4-22-2 to create exceptions to the

requirements under subsection (b); and

(2) waive the requirements under subsection (b) on an individual basis.

SECTION 93. IC 20-28-5-12, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) Subsection (b) does not apply to an individual who held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985.

(b) The ~~board~~ department may not grant an initial standard license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the ~~board~~ department:

(1) Basic reading, writing, and mathematics.

(2) Pedagogy.

(3) Knowledge of the areas in which the individual is required to have a license to teach.

(4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive reading instruction skills, including:

(A) phonemic awareness; and

(B) phonics instruction.

(c) Each individual who completes a written examination described in subsection (b) must receive the following from the examination's scorer:

(1) The individual's total test score.

(2) Subscores for each area tested.

(3) Itemized descriptions of the areas in which the individual was found to be deficient.

(d) This subsection applies to an individual who has attempted the written examination described in subsection (b) at least two (2) times and has failed to demonstrate proficiency in a test area by not more than two (2) points. An individual to whom this subsection applies may demonstrate proficiency in a test area described in this subsection by having the teacher education school or department in which the individual is a student certify to the department that, based upon the individual's coursework, grades, fieldwork, and student teaching, and evaluations by the individual's instructors, the individual possesses the content knowledge assessed in the written examination.

~~(c)~~ (e) An individual's license examination score may not be disclosed by the ~~board~~ department without the individual's consent unless specifically required by state or federal statute or court order.

~~(d)~~ (f) The advisory board shall adopt rules under IC 4-22-2 to do the following:

(1) Adopt, validate, and implement the examination or other procedures required by subsection (b).

(2) Establish examination scores indicating proficiency.

(3) Otherwise carry out the purposes of this section.

~~(c)~~ (g) The board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for ~~individuals~~ an individual holding a valid ~~teachers' licenses~~ teacher's license issued by another state.

SECTION 94. IC 20-28-5-14, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. If the ~~board~~ department is notified by the department of state revenue that an individual is on the most recent tax warrant list, the ~~board~~ department may not grant an initial standard license to the individual until:

(1) the individual provides the ~~board~~ department with a statement from the department of state revenue indicating that the individual's delinquent tax liability has been satisfied; or

(2) the ~~board~~ department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 95. IC 20-28-9-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A teacher's minimum salary each school year must be computed based on the teacher's ~~training~~ education, experience, and degree completed as of the teacher's first day of service.

(b) If a teacher is licensed by the ~~board~~ department on:

(1) the first day of service in the current school year; or

(2) another date as agreed by the school employer and the

exclusive representative under IC 20-29; the teacher's minimum salary is computed under section 2 of this chapter.

SECTION 96. IC 20-28-9-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A teacher's minimum salary for service during a nine (9) month school term is computed as follows:

(1) For a teacher who has completed four (4) years or one hundred forty-four (144) weeks of professional ~~training~~, **education**, five thousand two hundred dollars (\$5,200), plus:

(A) an additional increment of one hundred fifty dollars (\$150) after each of the first ten (10) years of experience; and

(B) an additional increment of two hundred fifty dollars (\$250) after each of the following years of experience:

(i) The fifteenth.

(ii) The twentieth.

(2) For a teacher who has completed five (5) years or one hundred eighty (180) weeks of professional ~~training~~, **education**, five thousand five hundred dollars (\$5,500), plus:

(A) an additional increment of one hundred fifty dollars (\$150) after each of the first eighteen (18) years of experience; and

(B) an additional increment of three hundred dollars (\$300) after each of the following years of experience:

(i) The nineteenth.

(ii) The twentieth.

(iii) The twenty-second.

(iv) The twenty-fourth.

(v) The twenty-sixth.

(vi) The thirtieth.

(3) For a teacher who has completed less than four (4) years of professional ~~training~~, **education**, four thousand seven hundred dollars (\$4,700), plus an additional increment of one hundred twenty dollars (\$120) after each of the first ten (10) years of experience.

SECTION 97. IC 20-28-9-4, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The ~~board~~ **department** shall require each teacher to hold:

(1) a bachelor's degree from an accredited teacher ~~training~~ **education** institution to qualify for the first time for classification under section 2(1) of this chapter; and

(2) a master's degree to qualify for the first time for classification under section 2(2) of this chapter.

(b) A teacher may not receive credit for five (5) years of ~~training~~ **education** under section 2(2) of this chapter unless the teacher has completed at least a bachelor's degree.

SECTION 98. IC 20-28-9-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) An individual who:

(1) holds:

(A) a professional license;

(B) a provisional license;

(C) a limited license; or

(D) an equivalent license issued by the ~~board~~, **department**; and

(2) serves as an occasional substitute teacher;

shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.

(b) An individual who:

(1) holds a:

(A) professional license; or

(B) provisional license; and

(2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days;

shall be compensated on the regular pay schedule for teachers of the school corporation the individual serves.

SECTION 99. IC 20-28-12-3, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:

(1) Be licensed as a school psychologist by the ~~board~~, **department**.

(2) Be employed by a:

(A) developmental center;

(B) state hospital;

(C) public or private hospital;

(D) mental health center;

(E) rehabilitation center;

(F) private school; or

(G) public school;

at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility required for employment in a school setting.

(3) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has received at least a sixty (60) semester hour master's or specialist degree in school psychology from:

(A) a recognized institution of higher learning; or

(B) an educational institution not located in the United States that has a program of study that meets the standards of the ~~board~~, **department**.

(4) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has demonstrated graduate level competency through the successful completion of course work and a practicum in the areas of assessment and counseling.

(5) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has at least one thousand two hundred (1,200) hours of school psychology experience beyond the master's degree level. At least six hundred (600) hours must be in a school setting under the supervision of any of the following:

(A) A physician licensed under IC 25-22.5.

(B) A psychologist licensed under IC 25-33.

(C) A school psychologist endorsed under this chapter.

(6) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has completed, in addition to the requirements in subdivision (5), at least four hundred (400) hours of supervised experience in identification and referral of mental and behavioral disorders, including at least one (1) hour each week of direct personal supervision by a:

(A) physician licensed under IC 25-22.5;

(B) psychologist licensed under IC 25-33; or

(C) school psychologist endorsed under this chapter;

with at least ten (10) hours of direct personal supervision.

(7) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has completed, in addition to the requirements of subdivisions (5) and (6), fifty-two (52) hours of supervision with a physician licensed under IC 25-22.5, a psychologist licensed under IC 25-33, or a school psychologist endorsed under this chapter that meets the following requirements:

(A) The fifty-two (52) hours must be completed within at least twenty-four (24) consecutive months but not less than twelve (12) months.

(B) Not more than one (1) hour of supervision may be included in the total for each week.

(C) At least nine hundred (900) hours of direct client contact must take place during the total period under clause (A).

(8) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(9) Furnish satisfactory evidence to the ~~board~~ **department** that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school psychologist without endangering the public.

(10) Pass the examination provided by the ~~board~~, **department**.

SECTION 100. IC 20-30-5-6, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This section applies only to public schools.

(b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

- (1) Being honest and truthful.
 - (2) Respecting authority.
 - (3) Respecting the property of others.
 - (4) Always doing the student's personal best.
 - (5) Not stealing.
 - (6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
 - (7) Taking personal responsibility for obligations to family and community.
 - (8) Taking personal responsibility for earning a livelihood.
 - (9) Treating others the way the student would want to be treated.
 - (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
 - (11) Respecting the student's parents and home.
 - (12) Respecting the student's self.
 - (13) Respecting the rights of others to have their own views and religious beliefs.
- (c) The department shall:
- (1) identify; and
 - (2) make available;

models of conflict resolution instruction to school corporations. The instruction may consist of a teacher **training education** program that applies the techniques to the students in the classroom to assist school corporations in complying with this section.

SECTION 101. IC 20-30-5-14, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) To:

- (1) educate students on the importance of their future career choices;
- (2) prepare students for the realities inherent in the work environment; and
- (3) instill in students work values that will enable them to succeed in their respective careers;

each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

- (1) integrate within the curriculum instruction that is; or
- (2) conduct activities or special events periodically that are;

designed to foster overall career awareness and career development as described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in complying with this section.

(d) The models described in this subsection must be developed in accordance with the following:

- (1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.
- (2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.
- (3) For grades 9 through 10, career exploration models that offer students insight into future employment options.
- (4) For grades 11 through 12, career preparation models that provide job or further education counseling, including the following:
 - (A) Initial job counseling, including the use of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.
 - (B) Workplace orientation visits.
 - (C) On-the-job experience exercises.

(e) The department, with assistance from the department of labor and the department of workforce development, shall:

- (1) develop and make available teacher guides; and
- (2) conduct seminars or other teacher **training education** activities;

to assist teachers in providing the instruction described in this section.

(f) The department shall, with assistance from the department of workforce development, design and implement innovative career

preparation demonstration projects for students in at least grade 9.

SECTION 102. IC 20-30-7-8, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. Except as provided in section 9 of this chapter, an instructor for an educational program described in section 7 of this chapter must be:

- (1) licensed under IC 20-28; or
- (2) granted a substitute teacher's license by the ~~professional standards board~~ **department**.

SECTION 103. IC 20-30-7-9, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. If the superintendent of the school corporation that is the local education agency determines that:

- (1) a qualified licensed teacher is not available from the entities entering into an agreement under section 5 of this chapter; and
- (2) a qualified postsecondary instructor is available;

to instruct in an educational program described in section 7 of this chapter, the superintendent may request the ~~professional standards board~~ **department** to issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

SECTION 104. IC 20-30-7-10, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. If the ~~professional standards board~~ **department** finds that a qualified licensed teacher is not available from the entities entering into an agreement under section 5 of this chapter to instruct in an educational program described in section 7 of this chapter, the ~~professional standards board~~ **department** may issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

SECTION 105. IC 20-31-6-1, AS ADDED BY HEA 1288-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The department ~~in consultation with the professional standards board~~; shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

SECTION 106. IC 20-32-5-1, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of Indiana students to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:
 - (A) The overall academic progress of students.
 - (B) The need for new or revised educational programs.
 - (C) The need to terminate existing educational programs.
 - (D) Student readiness for postsecondary school experiences.
 - (E) Overall curriculum development and revision activities.
 - (F) Identifying students who may need remediation under IC 20-32-8.
 - (G) Diagnosing individual student needs.
 - (H) Teacher **training education** and staff development activities.

SECTION 107. IC 20-32-5-4, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state board shall:

- (1) authorize the development and implementation of the ISTEP program; and
- (2) determine the date, **which for school years beginning after June 30, 2006, must be during the first two (2) weeks that end in May of the school year**, on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for

the ISTEP program that must do the following:

- (1) Take into account the academic standards adopted under IC 20-31-3.
- (2) Include testing of students' higher level cognitive thinking in each subject area tested.
- (3) Provide for a pilot test for reliability and validation to be given during the first two (2) weeks that end in May 2006, and for the following schedule concerning the administration, scoring, and reporting of results, for school years beginning after June 30, 2006:
 - (A) Test administration conducted during the first two (2) weeks that end in May.
 - (B) Test scoring completed before June 16.
 - (C) Test results reported to teachers and parents before July 1.
 - (D) Yearly progress reported to parents and the federal government before July 16.

SECTION 108. IC 20-32-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Before August 2, 2005, the department shall develop a ten (10) year plan for student diagnostic and summative achievement assessment that must include a system that:

- (1) has as its purposes to:
 - (A) provide teachers with diagnostic assessment tools during the school year to determine whether each student is learning below, at, or above the academic standards for that grade and subject so that the teacher may direct instruction accordingly;
 - (B) annually assess the progress of each student under the academic standards toward the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and
 - (C) confirm before graduation that each student has the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning.
- (2) uses:
 - (A) a diagnostic assessment tool for language arts (including English), mathematics, science, and social studies in kindergarten through at least grade 8 to support on-line, intra-year diagnostic assessments of individual or collective students by teachers to assist efforts to accelerate learning by students performing below expectations and support further learning by students performing at or above expectations;
 - (B) annual on-line end of the school year assessments for grades 3 through 8 that assess whether students are proficient in the subject matter of the grades in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and grades;
 - (C) on-line end of course assessments in grades 9 through 12 that assess whether students are proficient in the subject matter of the courses in language arts (including English), mathematics, science, and social studies, as determined by the academic standards applicable to the subjects and courses;
 - (D) a new graduation examination, effective at least for the students expected to graduate at the end of the school year beginning July 1, 2010, and ending June 30, 2011, that confirms that the student has demonstrated the knowledge and skills necessary for success in postsecondary education, workplace education, and lifelong learning; and
 - (E) a separate written essay examination for each grade that must be reported as a separate part of the assessment results and that must be used independently by teachers and schools to determine whether the student is writing at a level commensurate with the needs and expectations of learning and communicating at that grade level;
- (3) uses on-line testing to provide ease of use and timely return of results;

(4) supports an annual cycle of learning, assessment, and feedback that:

- (A) provides on-line question banks and means for diagnostic assessments for teachers to use during the school year to assess whether students are performing below, at, or above expectations for each subject and grade;
 - (B) administers annual student assessments and graduate examinations during the first two (2) weeks that end in May each year;
 - (C) reports results to teachers, parents, communities, and the federal government before July 16 each year; and
 - (D) provides for a common method and means by which teachers shall grade the independent written essay.
- (b) Before October 1, 2005, the department, the office of management and budget, and the attorney general shall develop specifications and a process for a long term contract with an assessment provider to implement the plan developed under this section. The department shall consult with postsecondary education and workplace employers in the state to ensure that the specifications comply with subsection (a)(1)(C). The department shall consult with superintendents in the state to ensure that the specifications comply with subsection (a)(2)(A). The specifications must comply with this section. The initial specifications must provide for pilot assessments to be given in the period during the first two (2) weeks that end in May 1, 2006, and annual assessments to be given during the first two (2) weeks of May 2007. The process must solicit interest from national and international assessment companies, put out a request for proposals, and solicit proposals for a plan to transition to the assessment system provided for in this section and manage the system, subject to the specifications, until the school year beginning July 1, 2016, and ending June 30, 2017, notwithstanding any other law that limits the maximum term of state contracts. Proposals received shall be reviewed jointly by the department and the office of management and budget, which shall jointly determine the successful bidder, subject to the approval of the attorney general for form and legality of the bid process. The bid process must be completed before January 1, 2006.

(c) If a successful bidder is selected, the pilot test contemplated by section 4(c)(3) of this chapter for the period during the first two (2) weeks that end in May 2006, shall be replaced by the pilot test contemplated by this section.

SECTION 109. IC 20-33-2-6, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes seven (7) years of age until the date on which the student meets one (1) of the following conditions, whichever occurs first:

- (1) Graduates.
 - (2) Becomes eighteen (18) years of age. ~~or~~
 - (3) Becomes sixteen (16) years of age but is less than eighteen (18) years of age and meets the requirements under ~~section 9~~ **section 9.5 or 12.5** of this chapter, ~~concerning an exit interview~~ **enabling the student to withdraw from school before graduation.**
- ~~whichever occurs first:~~
- (b) A student who:
 - (1) enrolls in school before the fall school term for the school year in which the student becomes seven (7) years of age; and
 - (2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the student is reenrolled as required in subsection (a). This chapter shall not be construed to require that a student complete grade 1 before the student becomes eight (8) years of age.

SECTION 110. IC 20-33-2-9, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. ~~(a)~~ The governing body of each

school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section 6(a)(3) of this chapter. Each exit interview must be personally attended by:

- (1) the student's parent;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

- ~~(1) the student, the student's parent, and the principal agree to the withdrawal; and~~
- ~~(2) at the exit interview, the student provides written acknowledgment of the withdrawal and the:~~

~~(A) student's parent; and~~

~~(B) school principal;~~

~~each provide written consent for the student to withdraw from school.~~

SECTION 111. IC 20-33-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9.5. (a) This section applies to an individual:

(1) who:

- (A) attends or last attended a public or nonpublic accredited school;
- (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and
- (C) has not completed the requirements for graduation;

(2) who:

- (A) wishes to withdraw from school before graduation;
- (B) fails to return at the beginning of a semester; or
- (C) stops attending school during a semester; and

(3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) The school principal approves of the withdrawal.
- (4) The withdrawal is because of financial hardship and the individual is employed to support the individual's family or dependents.
- (5) The school principal provides to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma.
- (6) The school principal advises the student and the student's parent that a driver's license or learner's permit may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.
- (7) The school principal advises the student and the student's parent that an employment certificate may be revoked and may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public or nonpublic accredited school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), and each nonpublic accredited school shall provide an annual report to the department setting forth the following information:

(1) The total number of individuals:

- (A) who withdrew from school under this section; and

(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school for the reason set forth in subsection (b)(4).

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or subsection (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section,

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery. For purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 112. IC 20-33-2-11, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

(1) at least thirteen (13) years of age but less than fifteen (15) years of age;

(2) a habitual truant under the definition of habitual truant established under subsection (b); and

(3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

(1) a definition of a child who is designated as a habitual truant, who must be defined at a minimum as a child who is chronically absent with more than ten (10) unexcused absences from school during one (1) school year;

(2) the procedures under which subsection (a) will be administered; and

(3) all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the

individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) Before:

(1) February 1; and

(2) October 1;

of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

SECTION 113. IC 20-33-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12.5 (a) This section applies to an individual:**

(1) who:

(A) attends or last attended a nonpublic nonaccredited school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation; and

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester.

(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide written consent.

SECTION 114. IC 20-33-2-41, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 41. With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the ~~professional standards board~~ department and has been properly licensed by ~~that body~~ the department.

SECTION 115. IC 20-33-3-13, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) **Except as provided in subsection (b)**, upon presentation to the issuing officer of the documents required by section 10 of this chapter, an employment certificate shall be issued immediately to the child. ~~However, an issuing officer may deny a certificate to a child:~~

~~(1) whose attendance is not in good standing; or~~

~~(2) whose academic performance does not meet the school corporation's standard.~~

(b) An employment certificate may not be issued to a student who meets any of the following conditions:

(1) Is a habitual truant under IC 20-33-2-11.

(2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.

(3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.

(4) Is considered a dropout under IC 20-33-2-9.5.

(5) Does not meet the academic performance standards of the school corporation.

~~(b) (c)~~ (c) Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in the issuing officer's office of each employment certificate issued.

~~(c) (d)~~ (d) A student may appeal the denial of a certificate under subsection (a) to the principal.

(e) At least five (5) days before holding an exit interview under IC 20-33-2-9.5, the school corporation shall give notice by certified mail or personal delivery to the student or the student's parent of the following:

(1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.

(2) If the principal determines that the reason for the

student's withdrawal is not financial hardship:

(A) the student and the student's parent will receive a copy of the determination; and

(B) the student's name will be submitted to the bureau of child labor by the student's school principal for the bureau of child labor's use in denying or invalidating an employment certificate under this section."

Page 39, line 25, delete "IC 20-1-1.1-2." and insert "IC 20-19-3-1."

Page 39, delete lines 26 through 42.

Delete pages 40 through 41.

Page 42, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 117. IC 25-33-1-3, AS AMENDED BY HEA 1288-2005, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the **Indiana** department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

(1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.

(2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of the state for

deposit in the state general fund.

(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);
- (3) a qualified physician licensed under IC 25-22.5;
- (4) a school psychologist who holds a valid:
 - (A) license issued by the ~~professional standards board~~ **department of education** under IC 20-28-2; or
 - (B) endorsement under IC 20-28-12;

practicing within the scope of the school psychologist's license or endorsement; or

- (5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

(h) The board shall provide to:

- (1) the social work certification and marriage and family therapists credentialing board; and
- (2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

- (1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and
- (2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials."

Page 42, delete lines 8 through 42.

Page 43, delete lines 1 through 24, begin a new paragraph and insert:

"SECTION 118. IC 25-33-1-14, AS AMENDED BY HEA 1288-2005, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section does not apply to an individual who is:

- (1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;
- (2) a commissioned psychology officer in the regular United States armed services;
- (3) licensed by the ~~professional standards board~~ **department of education** (established by ~~IC 20-28-2-1~~) **IC 20-19-3-1**) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or
- (4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and

emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

(c) It is unlawful for an individual to:

- (1) claim that the individual is a psychologist; or
- (2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist" or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

(d) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

(e) It is unlawful for an individual, other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);
- (3) a qualified physician licensed under IC 25-22.5;
- (4) a school psychologist who holds a valid:

- (A) license issued by the ~~professional standards board~~ **department of education** under IC 20-28-2; or
- (B) endorsement under IC 20-28-12;

who practices within the scope of the school psychologist's license or endorsement; or

- (5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

to administer or interpret a restricted psychology test or instrument as established by the board under ~~IC 25-33-1-3(g)~~ **section 3(g) of this chapter** in the course of rendering psychological services to individuals, organizations, or to the public.

(f) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 119. IC 34-30-14-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. A teacher who:**

(1) meets the requirement of IC 20-28-5-3.5; and

(2) either:

(A) performs:

- (i) cardiopulmonary resuscitation; or**
- (ii) the Heimlich maneuver;**

on; or

(B) removes a foreign body that is obstructing the airway of:

another individual;

in the course of employment as a teacher is not liable in a civil action for damages resulting from an act or omission occurring during the performance of a function under this section unless the act or omission constitutes gross negligence or willful and wanton misconduct."

Page 43, line 26, after "IC 20-6.1-3-6;" insert "IC 20-8.1-4-3; IC 20-10.1-16-9.1; IC 20-10.1-16-10; IC 20-10.1-16-12;"

Page 43, line 26, delete "IC 20-10.2-2-9.5." and insert "IC 20-10.2-2-9.5; IC 20-28-1-4; IC 20-28-5-6; IC 20-32-5-18; IC 20-32-5-20; IC 20-32-5-22."

Page 43, line 28, delete "IC 20-1-1.4-2" and insert "**IC 20-28-2-1**".

Page 43, line 31, delete "IC 20-1-1.1-2;" and insert "**IC 20-19-3-1**".

Page 43, line 40, delete "IC 20-1-1.4-11," and insert "**IC 20-28-2-10**".

Page 44, line 3, delete "IC 20-1-1.4-3." and insert "**IC 20-28-2-2**".

Page 44, line 7, delete "IC 20-1-1.4-2.5," and insert "**IC 20-28-2-1.5**".

Page 44, line 11, delete "IC 20-1-1.4-3," and insert "**IC 20-28-2-2**".

Page 44, line 18, delete "IC 20-1-1.1-2." and insert "**20-19-3-1**".

Page 44, line 23, delete "IC 20-1-1.1-2." and insert "IC 20-19-3-1."

Page 44, after line 23, begin a new paragraph and insert:
 "SECTION 122. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 20-28-5-3.5, as added by this act, a college or university located in Indiana may recommend to an individual who has been accepted in a teacher training program before July 1, 2005, that the individual should meet the requirements of IC 20-28-5-3.5, as added by this act.

(b) This SECTION expires June 30, 2007.

SECTION 123. [EFFECTIVE UPON PASSAGE] (a) The department of education shall develop a form for the written consent to withdraw from school for a school corporation's use in implementing IC 20-33-2-11.5 as added by this act.

(b) The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:

- (1) unemployment or a lower paying job; and
- (2) involvement in criminal activity;

as the consequence of not obtaining a high school diploma.

(c) The department of education shall update the statistics described in subsection (b) every two (2) years.

(d) This SECTION expires December 31, 2005.

SECTION 124. [EFFECTIVE JULY 1, 2005]: (a) If a statute is passed that requires, beginning with the 2010-2011 school year and with certain exceptions, a student to complete the Core 40 curriculum in order to graduate from high school, the department of education shall study and make findings and recommendations on alternate methods for certification including certification in nontraditional ways for teacher licensing for teachers currently employed by a public school to fulfill available positions in shortage areas including mathematics and science and any other subject area designated as a shortage area by the Indiana state board of education.

(b) In conducting the study and making a determination under this SECTION, the department shall but is not limited to consider the following factors:

- (1) the experience of the teacher; and
- (2) the subject areas the teacher is currently licensed in.

(c) The department shall use any additional certification obtained by a teacher for license renewal.

(d) The department shall submit a report of its findings and recommendations under this SECTION not later than December 31, 2005, to the legislative council in an electronic format under IC 5-14-6.

(d) The report must include:

- (1) the results of the study; and
- (2) recommendations to the legislative council concerning alternative teacher licensing methods.

(e) This SECTION expires December 31, 2005.

SECTION 125. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 371 as printed February 18, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 503, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 35 and 36, begin a new paragraph and insert:

"Sec. 10. If a state agency is required to provide notice under this section to more than one thousand (1,000) individuals, the state agency shall notify without unreasonable delay all consumer reporting agencies (as defined in 15 U.S.C. 1681a) of the distribution and content of the notice."

Page 6, line 21, after "6." insert "(a)".

Page 6, line 23, after "chapter" delete "." and insert "attached to the document. A form attached to a document under this subsection is considered part of the document for purposes of the fee charged under subsection (b) in accordance with IC 36-2-7-10.

(b) The county recorder shall charge a fee for recording a document under this chapter in accordance with IC 36-2-7-10.

(c) The county recorder shall deposit two dollars (\$2) of the fee charged under subsection (b) in the county identification security protection fund established by section 11 of this chapter. This subsection expires July 1, 2011."

Page 7, line 1, delete "11" and insert "12".

Page 7, between lines 6 and 7, begin a new paragraph and insert:
 "Sec. 11. (a) As used in this section, "fund" refers to a county identification security protection fund established under subsection (b).

(b) Each county legislative body shall establish an identification security protection fund.

(c) A fund consists of money deposited in the fund under section 6(c) of this chapter. Money in a fund does not revert to the county general fund.

(d) A county recorder may use money in the fund only to purchase, upgrade, implement, or maintain redacting technology used in the office of the county recorder."

Page 7, line 7, delete "11." and insert "12".

(Reference is to SB 503 as reprinted March 1, 2005.)
 and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 533, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 2. IC 6-6-5-7.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.9. (a) As used in this section, "passenger motor vehicle" has the meaning set forth in IC 9-13-2-123(a).

(b) Notwithstanding any other law, and for calendar year 2006, the registration fee for a passenger motor vehicle that is registered in Indiana in calendar year 2005 shall be at the rate as set forth in IC 9-29-5-1 with no reduction for any partial calendar month that has elapsed since the regular annual registration date in calendar year 2005.

(c) This section expires January 1, 2007.

SECTION 3. IC 9-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The commissioner shall do the following:

(1) Administer and enforce:

(A) this title and other statutes concerning the bureau; and

~~(2) Administer and enforce~~

(B) the policies and procedures of the ~~commissioner~~ bureau.
~~(3) (2) Organize the bureau in the manner necessary to carry out the duties of the bureau.~~

~~(4) (3) Submit to the commissioner, before September 1 of each year budget proposals for the bureau including license branches staffed by employees of the commissioner under IC 9-16- to the budget director before September 1 of each year.~~

~~(5) (4) Perform other duties assigned by the commissioner, as required by the bureau.~~

SECTION 4. IC 9-14-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway

administered by the intelenet commission under IC 5-21; to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

- (1) the Social Security number;
- (2) the federal identification number;
- (3) the driver's license number;
- (4) the digital image of the driver's license applicant;
- (5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or
- (6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

- (1) to a law enforcement officer;
- (2) to an agent or a designee of the department of state revenue;
- (3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or
- (4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the commission may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The commission may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14."

Page 6, between lines 31 and 32, begin a new paragraph and insert: "SECTION 6. IC 9-16-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) The commission may contract with a qualified person to provide partial services at a qualified person's ~~walk-up~~ location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.

(b) A contract for providing motor vehicle registration and renewal services at a ~~walk-up~~ location must include the following provisions:

- (1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.
- (2) The contractor shall do the following:
 - (A) Collect and transmit all bureau fees and taxes collected at the contract location.
 - (B) Deposit the taxes collected at the contract location with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.
- (3) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.
- (4) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.
- (5) The commission must approve each location and physical facility used by a contractor.
- (6) The term of the contract must be for a fixed period.

SECTION 7. IC 9-16-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. Each license branch, **full service provider, or partial services provider** shall collect the service charges prescribed by IC 9-29-3 and ~~deposited~~ **deposit the service charges** in the state license branch fund established under IC 9-29-14.

SECTION 8. IC 9-18-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The bureau shall register vehicles under the schedule in this section.

(b) A person who owns a vehicle shall receive a license plate, renewal tag, or other indicia upon registration of the vehicle. The bureau may determine the device required to be displayed.

(c) A corporation shall register, before February 1 of each year, the following vehicles that are owned by the corporation:

- (1) A passenger motor vehicle that is not regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business.
- (2) A recreational vehicle.
- (3) A motorcycle.

(4) A truck that:

- (A) is not regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and
- (B) has a declared gross weight of not more than eleven thousand (11,000) pounds.

(d) A corporation that owns a:

- (1) passenger motor vehicle; or
- (2) truck that has a declared gross weight of not more than eleven thousand (11,000) pounds;

that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the passenger motor vehicle or truck before March 1 of each year.

(e) **For registrations for 2005**, a person who owns a:

- (1) passenger motor vehicle;
- (2) recreational vehicle;
- (3) motorcycle; or
- (4) truck that has a declared gross weight of not more than eleven thousand (11,000) pounds;

that is not subject to the registration requirements under subsection (d) shall register the passenger motor vehicle, recreational vehicle, motorcycle, or truck in conformance with the schedule set forth in subsection (f) or (g).

(f) **After December 31, 2005, a person who owns a vehicle subject to registration under this subsection shall register the vehicle in accordance with subsection (g).** The following schedule applies to persons who own vehicles that are required to be registered under subsection (e):

- (1) Persons whose last names begin with the letters A through BE shall register before February 16 of each year.
- (2) Persons whose last names begin with the letters BF through BZ shall register before March 1 of each year.
- (3) Persons whose last names begin with the letter C shall register before March 16 of each year.
- (4) Persons whose last names begin with the letter D shall register before April 1 of each year.
- (5) Persons whose last names begin with the letters E through F shall register before April 16 of each year.
- (6) Persons whose last names begin with the letter G shall register before May 1 of each year.
- (7) Persons whose last names begin with the letters HA through HN shall register before May 16 of each year.
- (8) Persons whose last names begin with the letters HO through I shall register before June 1 of each year.
- (9) Persons whose last names begin with the letters J through KM shall register before June 16 of each year.
- (10) Persons whose last names begin with the letters KN through L shall register before July 1 of each year.
- (11) Persons whose last names begin with the letters MA through ME shall register before July 16 of each year.
- (12) Persons whose last names begin with the letters MF through O shall register before August 1 of each year.
- (13) Persons whose last names begin with the letters P through Q shall register before August 16 of each year.
- (14) Persons whose last names begin with the letter R shall register before September 1 of each year.
- (15) Persons whose last names begin with the letters SA through SN shall register before September 16 of each year.
- (16) Persons whose last names begin with the letters SO through T shall register before October 1 of each year.
- (17) Persons whose last names begin with the letters U through WK shall register before October 16 of each year.
- (18) Persons whose last names begin with the letters WL through Z shall register before November 1 of each year.

(g) The bureau shall determine the schedule for registration for the categories of vehicles set forth in subsection (e) for registrations required after December 31, 2005.

~~(g)~~ **(h) A person who owns a vehicle in a category required to be registered under subsection (c), (d), or (e), and who desires to register the vehicle for the first time must apply to the bureau for a registration application form. The bureau shall do the following:**

- (1) Administer the registration application form.

- (2) Issue the license plate.
 (3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.
~~(4)~~ **(i)** The bureau shall issue a semipermanent plate under section 30 of this chapter, or:
 (1) an annual renewal tag; or
 (2) other indicia;
 to be affixed on the semipermanent plate.

SECTION 9. IC 9-18-2-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

(b) The rules adopted under this section do not apply to:

- ~~(1) low digit license plates issued under section 28 of this chapter;~~
~~(2) (1) truck license plates issued under section 4.5 or 18 of this chapter; and~~
~~(3) (2) general assembly and other state official license plates issued under IC 9-18-16.~~

SECTION 10. IC 9-23-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A license issued under this chapter may be denied, suspended, or revoked for any of the following:

- (1) Material misrepresentation in the application for the license or other information filed with the commissioner.
 (2) Lack of fitness under the standards set forth in this article or a rule adopted by the commissioner under this article.
 (3) Willful failure to comply with the provisions of this article or a rule adopted by the commissioner under this article.
 (4) Willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles.
 (5) Engaging in an unfair practice as set forth in this article or a rule adopted by the commissioner under this article.
 (6) Violating IC 23-2-2.7.

~~(b) Except as provided in subsection (d), the procedures set forth in IC 4-21.5 govern the denial, suspension, or revocation of a license and a judicial review. However, A denial, suspension, or revocation of a license may not take effect until thirty (30) days after the commissioner's determination has been made and a notice of the determination served upon the affected person.~~

(b) If the bureau denies, suspends, or revokes a license issued or sought under this article, the affected person may file an action in the circuit court of Marion County, Indiana, or the circuit court of the Indiana county in which the person's principal place of business is located, seeking a judicial determination as to whether the action is proper. **An action may not take effect until thirty (30) days after the commissioner's determination has been made and a notice of the determination served upon the affected person.** The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the commissioner's determination.

(c) Revocation or suspension of a license of a manufacturer, a distributor, a factory branch, a distributor branch, a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(d) A license may be denied, suspended, or revoked for violating IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of a license under this subsection. The bureau may issue a temporary order to enforce this subsection.

SECTION 11. IC 9-24-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748).

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses.

(2) Standards for commercial driver's licenses, including suspension and revocation procedures.

(3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of residence in Indiana.

(4) Development of written or oral tests, driving tests, and fitness requirements.

(5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including ~~the Social Security number and~~ a unique identifier of the holder.

(6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law."

Page 6, line 36, delete "and" and insert "or".

Page 6, line 37, delete "have" and insert "has".

Page 6, line 39, delete "are" and insert "is".

Page 7, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 13. IC 9-24-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in subsection (b) **and section 10 of this chapter**, an operator's license issued under this article after December 31, 1996, **and before January 1, 2006**, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in section 10 of this chapter, an operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age:

(1) expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance; **and**

(2) must be renewed by the holder by application in person at a license branch, as provided under section 5(c) of this chapter.

(c) Except as provided in subsection (b) and section 10 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

SECTION 14. IC 9-24-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a) Except as provided in section 10 of this chapter**, a chauffeur's license issued under this article after December 31, 1996, **and before January 1, 2006**, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) After December 31, 2005, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(c) An individual who is:

(1) at least seventy-five (75) years of age; and

(2) renewing a chauffeur's license;

must renew by application in person at a license branch, as provided under section 5(c) of this chapter.

SECTION 15. IC 9-24-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An individual who applies for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license in person at a license branch must do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license but has not reached the applicant's twenty-first birthday.

(b) Except as provided in section 10 of this chapter, an individual may apply for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license by

mail or by electronic service if the following conditions are met:

- (1) A valid computerized image of the individual exists within the records of the bureau.
- (2) The previous renewal of the operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license was not made by mail or by electronic service.
- (3) The previous renewal included a test approved by the bureau of the applicant's eyesight.
- (4) The applicant, if applying for the renewal in person at a license branch, would not be required under subsection (a)(2) to submit to a written examination.
- (c) An individual applying for the renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service:

- (1) under subsection (b); or
- (2) **as provided by section 1(b)(2), 2(c), 7(b)(2), or 10(b) of this chapter.**

SECTION 16. IC 9-24-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided in subsection (b) **and section 10 of this chapter**, a motorcycle operator's license issued after December 31, 1996, **and before January 1, 2006**, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **Except as provided in section 10 of this chapter**, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age:

- (1) expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance; **and**
- (2) **must be renewed by the holder by application in person at a license branch, as provided under section 5(c) of this chapter.**

(c) **After December 31, 2005, except as provided in subsection (b), a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.**

~~(c)~~ (d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

~~(d)~~ (e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance."

Page 8, delete lines 1 through 23.

Page 8, line 27, delete "operator's license;" and insert **"operator's;"**.

Page 8, between lines 38 and 39, begin a new paragraph and insert: "SECTION 18. IC 9-24-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. An identification card **issued**:

- (1) **before January 1, 2006**, expires on the fourth birthday of the applicant following the date of issue; **and**
- (2) **after December 31, 2005, expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.**

SECTION 19. IC 9-24-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An application for renewal of an identification card may be made not more than six (6) months before the expiration date of the card. A renewal application received after the date of expiration is considered to be a new application.

(b) A renewed card **issued**:

- (1) **before January 1, 2006**, becomes valid on the birth date of the holder and remains valid for four (4) years; **and**
- (2) **after December 31, 2005, is valid on the birth date of the holder and remains valid for six (6) years.**

(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.

(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

(e) An individual may apply for renewal of an identification card

by mail or by electronic service if the following conditions are met:

- (1) A valid computerized image of the individual exists within the records of the bureau.
- (2) The previous renewal of the identification card was not made by mail or by electronic service.

SECTION 20. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person shall do the following:

- (1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.
- (2) Immediately return to and remain at the scene of the accident until the driver does the following:
 - (A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.
 - (B) Upon request, exhibits the driver's license of the driver to the following:
 - (i) The person struck.
 - (ii) The driver or occupant of or person attending each vehicle involved in the accident.
 - (C) Determines the need for and renders reasonable assistance to each person injured in the accident, including the removal or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

- (A) The local police department if the accident occurs within a municipality.
- (B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

- (A) state police department, **if the accident occurs before January 1, 2006; or**
- (B) **bureau, if the accident occurs after December 31, 2005.**

SECTION 21. IC 9-26-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

- (1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.
- (2) Immediately return to and remain at the scene of the accident until the driver does the following:
 - (A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.
 - (B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.
- (3) If the accident results in total property damage to an apparent extent of at least one thousand dollars (\$1,000), forward a written report of the accident to the:

- (A) state police department, **if the accident occurs before January 1, 2006; or**
- (B) **bureau, if the accident occurs after December 31, 2005;**

within ten (10) days after the accident.

SECTION 22. IC 9-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The state police department ~~may do the following~~:

- ~~(1) Require a driver who is required to file a report under this chapter to file supplemental reports if the original report is insufficient in the opinion of the state police department.~~
- ~~(2) require witnesses of accidents to submit reports to the state police department.~~

SECTION 23. IC 9-26-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A city or town may by ordinance require that the driver of a vehicle involved in an accident file with a designated city or town department:

- (1) a report of the accident; or
- (2) a copy of a report required in this article to be filed with the:
 - (A) state police department; or
 - (B) bureau.

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4."

Page 9, between lines 39 and 40, begin a new paragraph and insert: "SECTION 25. IC 9-27-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) To **receive be eligible for** an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must:

- (1) complete at least ~~twelve (12)~~ **nine (9)** semester hours in driver education courses; ~~of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:~~
- ~~(1) a driver and traffic safety education endorsement issued by the professional standards board established by IC 20-1-1.4; and~~
- ~~(2) be at least five (5) twenty-one (21) years of teaching experience in driver education; age upon completion of the driver education courses required by subdivision (1).~~

(b) The ~~three (3) semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) hours of driver education courses required under subsection (a)~~ **(1)** must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours ~~required~~ **completed** under subsection ~~(a)~~ **(1)** do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

- (1) The individual meets the requirements of subsection (a).
- (2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.
- (3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

- (1) during 1995, held an instructor's license;
- (2) meets the requirements of subsection (d)(2) and (d)(3); and
- (3) ~~completes~~ **completed** the ~~twelve (12) number of~~ semester hours of driver education courses ~~that were then~~ required under subsection ~~(a)~~ **(1)** not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

- (1) holds a driver and traffic safety education endorsement issued by the professional standards board established under IC 20-1-1.4; and
- (2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 26. IC 9-29-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The fee to obtain information ~~on~~ **regarding vehicle titles registrations, and driver's licenses** under IC 9-14-3-5 is:

- (1) four dollars (\$4) for each record requested **in writing; and**
- (2) **one dollar (\$1) for each record requested electronically through the computer gateway administered by the**

intelenet commission under IC 5-21;

plus any service fee charged by the intelenet commission.

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars (\$4) for a record requested either:

(1) in writing; or

(2) **electronically through the computer gateway administered by the intelenet commission under IC 5-21; plus any service fee charged by the intelenet commission.**

~~(b)~~ (c) The fee imposed by this section **and paid to the bureau** is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

SECTION 27. IC 9-29-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The service charge for each of the first two thousand (2,000) operator's licenses, including motorcycle operator's licenses, issued at a license branch each year is two dollars (\$2). **This subsection expires December 31, 2005.**

(b) The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is one dollar and fifty cents (\$1.50). **This subsection expires December 31, 2005.**

(c) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(d) **After December 31, 2005, the service charge for an operator's license is three dollars (\$3).**

SECTION 28. IC 9-29-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The service charge for each learner's permit, chauffeur's license, or public passenger chauffeur's license is two dollars (\$2). **This subsection expires December 31, 2005.**

(b) Fifty cents (\$0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(c) **After December 31, 2005, the service charge for a learner's permit, public passenger chauffeur's license, or chauffeur's license issued to or renewed for an individual who is at least seventy-five (75) years of age is two dollars (\$2). After December 31, 2005, the service charge for a chauffeur's license issued to or renewed for an individual less than seventy-five (75) years of age is three dollars (\$3).**

SECTION 29. IC 9-29-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The service charge for each temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license is one dollar and fifty cents (\$1.50). **This subsection expires December 31, 2005.**

(b) Fifty cents (\$0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(c) **After December 31, 2005, the service charge for a temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license issued to or renewed for an individual who is at least seventy-five (75) years of age is one dollar and fifty cents (\$1.50). After December 31, 2005, the service charge for a motorcycle endorsement of an operator's license issued to or renewed for an individual less than seventy-five (75) years of age is two dollars and twenty-five cents (\$2.25).**

SECTION 30. IC 9-29-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The service charge for an identification card issued under IC 9-24 is fifty cents (\$0.50) and one-half (½) of each fee collected as set forth in IC 9-29-9-15. **This subsection expires December 31, 2005.**

(b) Fifty cents (\$0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(c) **After December 31, 2005, the service charge for an identification card issued under IC 9-24 is seventy-five cents (\$0.75) and one-half (½) of each fee collected as set forth in IC 9-29-9-15.**

SECTION 31. IC 9-29-3-19 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.

(b) As used in this section, "pull service charge" refers to the charge that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.

(c) As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) Subject to subsections (e) and (f) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

- (1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.
- (2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.
- (3) Increase or decrease a service charge imposed under subdivision (2).

(e) The bureau's authority to adopt rules under subsection (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

(f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing **any of the numbers set forth in IC 9-18-2-28 numerals 1 through 100 following a prefix number or letter, or both**, for a vehicle issued a license plate under IC 9-18-17 that designates the vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war.

(g) The bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition.

SECTION 32. IC 9-29-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The fee for a four (4) year operator's license issued under IC 9-24-3 is six dollars (\$6). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:**

- (1) **less than seventy-five (75) years of age is nine dollars (\$9); and**
- (2) **at least seventy-five (75) years of age is six dollars (\$6).**

SECTION 33. IC 9-29-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The fee for a chauffeur's license issued under IC 9-24-4 is eight dollars (\$8). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is:**

- (1) **at least seventy-five (75) years of age is eight dollars (\$8); and**
- (2) **less than seventy-five (75) years of age is twelve dollars (\$12).**

SECTION 34. IC 9-29-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The fee for a four (4) year motorcycle operator's license issued under IC 9-24-8 is six dollars (\$6). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for a motorcycle operator's license issued under IC 9-24-8 or renewed under IC 9-24-12 to an individual who is:**

- (1) **at least seventy-five years (75) of age is six dollars (\$6); and**
- (2) **less than seventy-five (75) years of age is nine dollars (\$9).**

SECTION 35. IC 9-29-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The fee for a motorcycle operator endorsement of an operator's license is three

dollars (\$3). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of an operator's license issued to an individual who is:**

- (1) **at least seventy-five (75) years of age is three dollars (\$3); and**
- (2) **less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).**

SECTION 36. IC 9-29-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The fee for a motorcycle operator endorsement of a chauffeur's license is three dollars (\$3). **This subsection expires December 31, 2005.**

(b) **After December 31, 2005, the fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of a chauffeur's license issued to an individual who is:**

- (1) **at least seventy-five (75) years of age is three dollars (\$3); and**
- (2) **less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).**

SECTION 37. IC 9-29-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The fees for the issuance, renewal, or duplication of identification cards under IC 9-24-16 are as follows:

- (1) For a person at least sixty-five (65) years of age or a person with a physical disability and not entitled to obtain a ~~driving~~ **driver's** license, two dollars (\$2).
- (2) For any other eligible person, four dollars (\$4).

This subsection expires December 31, 2005.

(b) **After December 31, 2005, the fees for an issuance, a renewal, or a duplicate of an identification card under IC 9-24-16 are as follows:**

- (1) **For an individual at least sixty-five (65) years of age or an individual with a physical disability and not entitled to obtain a driver's license, three dollars and fifty cents (\$3.50).**
- (2) **For any other individual, six dollars (\$6)."**

Page 10, after line 2, begin a new paragraph and insert:

"SECTION 39. IC 9-18-2-28 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 40. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding IC 9-29-2-2, as amended by this act, the fee charged before January 1, 2006, for a record of a vehicle title that is requested electronically through the computer gateway administered by the intelenet commission under IC 5-21 is four dollars (\$4). The intelenet commission may also charge a service fee.**

(b) **This SECTION expires January 1, 2006."**

SECTION 41. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 9-29-3-8, IC 9-29-3-9, IC 9-29-3-10, and IC 9-29-3-14, all as amended by this act, and in accordance with IC 9-29-3-19(d)(2), the bureau of motor vehicles shall adopt rules under IC 4-22-2 to increase the service charges in effect on July 1, 2005, under 140 IAC 8-3-9, 140 IAC 8-3-18, and 140 IAC 8-3-20 concerning service charges for an operator's license, a motorcycle license, a chauffeur's license, or a motorcycle endorsement of an operator's or a chauffeur's license for an individual who is less than seventy-five (75) years of age at the time of the issuance of or renewal of the license or endorsement. The rules must:**

- (1) **provide that the applicable service charge is increased by fifty percent (50%) over the charge in effect on July 1, 2005; and**
- (2) **be effective January 1, 2006.**

(b) **Before the effective date of the rules adopted under subsection (a), the bureau of motor vehicles shall carry out the duties imposed upon it under this SECTION under interim written guidelines approved by the commissioner of the bureau of motor vehicles. Interim guidelines approved under this subsection expire on the earlier of:**

- (1) **the effective date of the rules adopted under subsection (a); or**
- (2) **January 1, 2007.**

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted in accordance with this SECTION.

(2) January 1, 2007.

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-29-9-2, IC 9-29-9-4, IC 9-29-9-6, IC 9-29-9-7, and IC 9-29-9-8, all as amended by this act, and in accordance with IC 9-29-1-2(b), the bureau of motor vehicles shall adopt rules under IC 4-22-2 to increase the license fee and motorcycle endorsement fee in effect on July 1, 2005, under 140 IAC 8-4-25 and 140 IAC 8-4-26 concerning license fee increases and motorcycle endorsement fee increases for certain operator's licenses, motorcycle licenses, chauffeur's licenses, or a motorcycle endorsement of an operator's or a chauffeur's license for an individual who is less than seventy-five (75) years of age at the time of the issuance of or renewal of the license or endorsement. The rules must:

(1) provide that the applicable license fee or motorcycle endorsement fee increase is increased by fifty percent (50%) over the charge in effect on July 1, 2005; and

(2) be effective January 1, 2006.

(b) Before the effective date of the rules adopted under subsection (a), the bureau of motor vehicles shall carry out the duties imposed upon it under this SECTION under interim written guidelines approved by the commissioner of the bureau of motor vehicles. Interim guidelines approved under this subsection expire on the earlier of:

(1) the effective date of the rules adopted under subsection (a); or

(2) January 1, 2007.

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted in accordance with this SECTION.

(2) January 1, 2007.

SECTION 43. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 533 as printed February 25, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 538, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new line block indented and insert:

"(4) Not later than July 15, 2005, a program consistent with federal guidelines to partially reimburse the state department of health and the local health departments that provide case management and environmental investigation services for lead poisoned children who are on Medicaid."

Page 4, after line 29, begin a new paragraph and insert:

"SECTION 7. IC 16-41-39.4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The state department shall, in cooperation with other state agencies, collect data under this chapter and, before March 15 of each year, report the results to the general assembly for the previous calendar year. A copy of the report shall be transmitted in an electronic format under IC 5-14-6 to the executive director of the legislative services agency for distribution to the members of the general assembly.

(b) The report transmitted under subsection (a) must include for each county the following information concerning children who are less than seven (7) years of age:

(1) The number of children who received a blood lead test.

(2) The number of children who had a blood test result of at least ten (10) micrograms of lead per deciliter of blood.

(3) The number of children identified under subdivision (2) who received a blood test to confirm that they had lead

poisoning.

(4) The number of children identified under subdivision (3) who had lead poisoning.

(5) The number of children identified under subdivision (4) who had a blood test result of less than ten (10) micrograms of lead per deciliter of blood.

(6) The average number of days taken to confirm a blood lead test.

(7) The number of risk assessments performed for children identified under subdivision (4) and the average number of days taken to perform the risk assessment.

(8) The number of housing units in which risk assessments performed under subdivision (7) documented lead hazards as defined by 40 CFR 745.

(9) The number of housing units identified under subdivision (8) that were covered by orders issued under IC 13-14-10-2 or by another governmental authority to eliminate lead hazards.

(10) The number of housing units identified under subdivision (9) for which lead hazards have been eliminated within thirty (30) days, three (3) months, and six (6) months.

SECTION 8. [EFFECTIVE JULY 1, 2005] (a) If a Medicaid waiver is required to implement IC 12-15-12-20(4), the office of Medicaid policy and planning shall apply to the United States Department of Health and Human Services for approval of a waiver not later than July 15, 2005.

(b) This SECTION expires August 1, 2005."

(Reference is to SB 538 as reprinted February 15, 2005.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 591, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, after "IC 25-33-1-3" insert ", AS AMENDED BY HEA 1288-2005, SEC. 196,".

Page 3, line 14, strike "IC 20-1-1.4-2;" and insert "IC 20-28-2;".

Page 3, line 15, strike "IC 20-1-1.9;" and insert "IC 20-28-12;".

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 25-33-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The board shall issue a license to practice psychology to an individual who:

(1) applies in the manner required by the board;

(2) pays a fee;

(3) is at least eighteen (18) years of age;

(4) has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently;

(5) holds, at the time of application, a valid license or certificate as a psychologist from another state;

(6) possesses a doctoral degree from a recognized institution of higher learning;

(7) has successfully completed:

(A) a degree program that would have been approved by the board at the time the individual was licensed or certified in the other state; or

(B) if the individual was licensed or certified in the other state before July 1, 1969, a degree program that satisfied the educational requirements of the board in effect January 4, 1971;

(8) has practiced psychology continuously since being licensed or certified;

(9) if the individual was licensed or certified by the other state: (A) after September 30, 1972, has taken the Examination for the Professional Practice of Psychology and achieved the passing score required by the board at the time the examination was administered; or

(B) before January 1, 1990, and the other state required an examination other than the Examination for the

Professional Practice of Psychology, achieved a passing score in the other state at the time of licensure or certification;

- (10) has passed an examination administered by the board that covers Indiana law related to the practice of psychology; and
(11) is not in violation of this chapter or rules adopted under this chapter.

(b) The board may adopt rules under IC 4-22-2 concerning the issuance of a license under this section.

SECTION 3. IC 25-35.6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this article, "board" means the speech-language pathology and audiology board established by this article.

(b) As used in this article, "person" means any individual, organization, or corporate body, except that only an individual may be licensed under this article.

(c) As used in this article, "speech-language pathologist" means an individual who practices speech-language pathology and who presents himself to the public by any title or description of services incorporating the words speech pathologist, speech-language pathologist, speech therapist, **speech-language specialist, teacher of communication disorders**, speech correctionist, speech clinician, language pathologist, language therapist, logopedist, communicologist, voice therapist, voice pathologist, or any similar title or description of service.

(d) As used in this article, "speech-language pathology" means the application of nonmedical and nonsurgical principles, methods, and procedures for the ~~measurement, testing, evaluation, prediction, counseling, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of evaluating, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals:~~ following:

- (1) **The prevention, evaluation, habilitation, rehabilitation, instruction, and research of communication and swallowing disorders.**
- (2) **The elective modification of communication behaviors.**
- (3) **The enhancement of communication, including the use of augmentative or alternate communication strategies.**

(e) As used in this article, "audiologist" means an individual who practices audiology and who presents himself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, **hearing specialist, audiometrist, vestibular specialist**, or any similar title or description of service.

(f) As used in this article, "audiology" means the application of nonmedical and nonsurgical principles, methods, and procedures of ~~measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing for the purpose of evaluating, identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals:~~ **prevention, evaluation, habilitation, rehabilitation, instruction, and research of disorders of hearing, auditory function, and vestibular function.**

(g) As used in this article, "speech-language pathology aide" ~~"support personnel"~~ means an individual ~~individuals~~ who ~~meets minimum~~ **shall** meet the qualifications which the board ~~may~~ **shall** establish for the following:

- (1) ~~Speech-language pathology aides:~~ **aide.**
- (2) **Speech-language pathology associate.**
- (3) **Speech-language pathology assistant.**

~~which qualifications shall be less than those established by this article as necessary for licensure as a speech-language pathologist, and who works under the direct supervision of a licensed speech pathologist:~~

(h) As used in this article, "audiology aide" means an individual ~~who meets minimum qualifications which the board may establish for audiology aides; which qualifications shall be less than those established by this article as necessary for licensure as an audiologist, and who works under the direct supervision of a licensed audiologist:~~ **"clinical fellowship" means a supervised professional experience.**

(i) As used in this article, "direct supervision" means onsite observation and guidance while an assigned evaluation or therapeutic activity is being performed.

SECTION 4. IC 25-35.6-1-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Nothing in this article shall be construed as preventing or restricting the following:

- (1) A physician or surgeon from engaging in the practice of medicine in this state, or a person under the supervision and control of a physician or surgeon from conducting hearing testing, provided such a person is not called an audiologist.
- (2) Any hearing aid dealer from:

(A) engaging in the testing of hearing and other practices and procedures necessary for the business for which the dealer is registered in this state under IC 25-20-1; **and**

(B) **using the title hearing aid specialist or any similar title or description of service.**

- (3) Any person licensed or registered in this state by any other law from engaging in the profession or occupation for which the person is licensed or registered.

(4) A person ~~who holds a valid and current credential as a speech-language or hearing specialist issued by the department of education, or a person employed as a speech-language pathologist or audiologist by the government of the United States, if such person performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the governmental or state educational organization by which the person is employed. However, such person may, without obtaining a license under this article, consult with or disseminate the person's research findings and other scientific information to speech-language pathologists and audiologists outside the jurisdiction of the organization by which the person is employed. Such person may also offer instruction and lectures to the public for a fee, monetary or other, without being licensed under this article. Such person may additionally elect to be subject to this article.~~

- (5) The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology **or audiology** at a college or university, if:

(A) such activities and services constitute a part of a supervised course of study; **and that**

(B) such person is designated speech-language pathology **or audiology** intern, speech-language pathology **or audiology** trainee, or by other such titles clearly indicating the training status appropriate to the person's level of training; **and**

(C) **the person works only under the direct supervision of a speech-language pathologist or audiologist licensed under this article.**

~~(6) The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university, if such activities and services constitute a part of a supervised course of study and such person is designated audiology intern, audiology trainee, or by any other such titles clearly indicating the training status appropriate to the person's level of training:~~

~~(7) (6) The activities and services of persons fulfilling the clinical experience requirement of section 5(a)(5) 5(2)(B)(ii) or 6(3)(B) of this chapter, if such activities and services constitute a part of the experience required for that section's fulfillment.~~

~~(8) (7) The performance of pure tone air conduction testing by an industrial audiometric technician, as defined by federal law, who is working in an industrial hearing conservation program directed by a physician or an audiologist.~~

~~(9) (8) The performance of speech-language pathology or audiology services in this state by any person not a resident of this state who is not licensed under this article, if such services are performed for no more than five (5) days in any calendar year and in cooperation with a speech-language pathologist or audiologist licensed under this article, and if such person meets the qualifications and requirements for application for licensure described in sections 5(a)(1) and 5(a)(2) sections 5(1) and 5(2) or 6(1) and 6(2) of this chapter. However, a person not a resident of this state who is not licensed under this article, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by section 5 or 6 of this chapter or who is the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language **and or** hearing, may~~

offer speech-language pathology or audiology services in this state for no more than thirty (30) days in any calendar year, if such services are performed in cooperation with a speech-language pathologist or audiologist licensed under this article.

SECTION 5. IC 25-35.6-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. To be eligible for licensure by the board as a speech-language pathologist ~~or audiologist, or registration by the board as a speech-language pathology aide, a speech-language pathology associate, or a speech-language pathology assistant~~, a person must satisfy the following:

(1) Not have been convicted of a crime that has a direct bearing on the person's ability to practice competently.

(2) For licensure as a speech-language pathologist:

(A) possess at least a master's degree or its equivalent in the area of speech-language pathology ~~or audiology~~; ~~as the case may be~~, from an educational institution recognized by the board; and

(B) submit evidence of:

- (i) a national certification in speech-language pathology that is approved by the board; or
- (ii) satisfaction of the academic and clinical experience requirements necessary for licensure as defined in the rules of the board.

(3) For registration as a speech-language pathology aide, possess at least a high school degree or its equivalent.

(4) For registration as a speech-language pathology associate, possess at least an associate degree in speech-language pathology.

(5) For registration as a speech-language pathology assistant, possess at least a bachelor's degree in speech-language pathology.

(3) Submit to the board transcripts from one (1) or more of the educational institutions described in subdivision (2) evidencing completion of at least eighteen (18) semester hours in courses providing fundamental information applicable to the normal development of speech, hearing, and language and at least forty-two (42) semester hours in courses providing information about and practical experience in the management of speech, hearing, and language disorders, and of these forty-two (42) semester hours:

(A) no fewer than six (6) shall be in audiology for a person applying for licensure in speech-language pathology;

(B) no fewer than six (6) shall be in speech-language pathology for a person applying for licensure in audiology;

(C) no more than six (6) shall be in courses providing academic credit for clinical practice;

(D) at least twenty-four (24); not including credits for thesis or dissertation requirements; shall be in the field for which the license is sought; and

(E) at least thirty (30) shall be in courses considered by the educational institution in which they are conducted as acceptable for application toward a graduate degree.

(4) Submit to the board evidence of the completion of at least three hundred (300) hours of supervised, direct clinical experience with a variety of communication disorders; which experience is received within the educational institution itself or a clinical program with which it cooperates.

(5) Submit to the board evidence of the completion of at least nine (9) consecutive months; at no less than thirty (30) hours per week; of clinical experience in the professional area (speech-language pathology and audiology) for which a license is sought. This requirement may also be fulfilled by part-time clinical experience as follows: fifteen (15) to nineteen (19) hours per week for eighteen (18) consecutive months; twenty (20) to twenty-four (24) hours per week for fifteen (15) consecutive months; or twenty-five (25) to twenty-nine (29) hours per week for twelve (12) consecutive months. The clinical experience must be under the direct supervision of and attested to in a notarized statement by a person licensed in the area (speech-language pathology or audiology) for which a license is being sought. Such clinical experience must additionally

follow the completion of the requirements described in subdivisions (2), (3), and (4):

(6) Pass a written examination approved by the board.

SECTION 6. IC 25-35.6-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. To be eligible for licensure by the board as an audiologist, an individual must satisfy the following:

(1) Not have been convicted of a crime that has a direct bearing on the individual's ability to practice competently.

(2) Possess a doctoral degree from an accredited educational program recognized by the board.

(3) Submit evidence of:

(A) a national certification in audiology that is approved by the board; or

(B) satisfaction of the academic and clinical experience requirements necessary for licensure as defined in the rules of the board.

SECTION 7. IC 25-35.6-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The professional standards board may issue an initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article. The professional standards board shall issue a license as a speech-language pathologist to an individual who:

(1) is licensed as a speech-language pathologist under this article; and

(2) requests licensure.

(b) A speech-language pathologist licensed by the professional standards board shall register with the health professions bureau all speech-language pathology support personnel that the speech-language pathologist supervises.

(c) The professional standards board may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(d) The professional standards board may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(e) An individual who:

(1) if:

(A) the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

(B) the individual is an audiologist, works in an educational setting;

(2) has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and

(3) has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 8. IC 25-35.6-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:

(1) Supervisory responsibilities of the speech-language pathologist.

(2) Ratio of support personnel to speech-language pathologists.

(3) Scope of duties and restrictions of responsibilities for each type of support personnel.

- (4) Frequency, duration, and documentation of supervision.
- (5) Education and training required to perform services.
- (6) Procedures for renewing registration and terminating duties.

(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:

- (1) Hold a current license as a speech-language pathologist.
- (2) Have at least three (3) years of clinical experience.
- (3) Hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing.

(c) Speech-language pathology support personnel may provide support services only under the direct supervision of a speech-language pathologist.

SECTION 9. IC 25-35.6-1-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) If a speech-language pathologist performs an evaluation and the evaluation suggests the possibility of a condition that requires medical attention, the speech-language pathologist shall promptly refer the patient to an individual licensed under IC 25-22.5.

(b) A speech-language pathologist shall perform instrumental procedures using rigid or flexible endoscopes only under the authorization and general supervision of an individual licensed under IC 25-22.5.

SECTION 10. IC 25-35.6-1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) If an audiologist performs an evaluation and the evaluation suggests the possibility of a condition that requires medical attention, the audiologist shall promptly refer the patient to an individual licensed under IC 25-22.5.

(b) An audiologist shall administer tests of vestibular function only to patients who have been referred by an individual licensed under IC 25-22.5.

SECTION 11. IC 25-35.6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The board:

- (1) shall administer, coordinate, and enforce this article;
- (2) shall evaluate the qualifications and supervise the examinations of applicants for licensure under this article;
- (3) may issue subpoenas, examine witnesses, and administer oaths; and
- (4) shall, at its discretion, investigate allegations of practices violating this article, subject to IC 25-1-7.

(b) The board shall adopt rules under IC 4-22-2 relating to professional conduct commensurate with the policy of this article, including rules that establish standards for the competent practice of speech-language pathology and audiology. Following their adoption, the rules govern and control the professional conduct of every person who holds a license to practice speech-language pathology or audiology in this state.

(c) The board shall conduct the hearings and keep the records and minutes necessary for the orderly dispatch of its functions. The board shall have notice provided to the appropriate persons in a manner it considers appropriate of the times and places of all hearings authorized by this subsection. Approval by a majority of a quorum of the board is required for any action to be taken in actions for revocation or suspension of a license issued under this article.

(d) The board may adopt rules under IC 4-22-2 to:

- (1) administer or enforce this article;
- (2) register persons in the process of fulfilling the clinical experience required for a license under this article;
- (3) establish fees in accordance with IC 25-1-8-2; and
- (4) register speech-language pathology assistants, associates, and audiology aides and establish rules governing the duties of assistants, associates, and aides.

(e) The conferral or enumeration of specific powers elsewhere in this article shall not be construed as a limitation of the general functions conferred by this section.

SECTION 12. IC 25-35.6-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The board may

waive the examination and grant licensure shall issue a license in speech-language pathology or audiology to any applicant who:

(1) presents proof of:

(A) current licensure in speech-language pathology or audiology in another state, including the District of Columbia or a territory of the United States, which maintains under professional standards considered by that the board considers to be at least equivalent to those set forth in this article; or

(B) practice as a speech-language pathologist or an audiologist under the authority and supervision of an agency of the federal government; and

(2) meets any other requirements that the board establishes by rule.

(b) The board may waive the examination and grant licensure to any person certified as clinically competent by a nationally recognized association for speech-language and hearing in the area for which such person is applying for licensure.

SECTION 13. IC 25-35.6-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. The board may issue a provisional license in audiology to an individual who meets the requirements that the board establishes by rule.

SECTION 14. IC 25-35.6-3-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.1. (a) Each individual licensed under this article and each individual registered as a speech-language pathology aide, a speech-language pathology associate, or a speech-language pathology assistant shall provide public notice of the license or registration by making the license or registration, or an official duplicate of the license or registration, available when the individual practices speech-language pathology or audiology or provides support services.

(b) Before support personnel may provide services, the speech-language pathologist shall ensure that prior written notification is provided to the recipient of the services that services are to be provided in whole or in part by support personnel.

SECTION 15. [EFFECTIVE JULY 1, 2005] (a) The health professions bureau shall issue a license in speech-language pathology as follows:

(1) To each individual who applies for licensure and meets all of the following qualifications:

(A) Holds a license in speech and hearing therapy issued by the professional standards board.

(B) Has a master's degree in speech-language pathology or a related discipline.

(C) Has been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years.

(2) To each individual who applies for licensure and meets all of the following qualifications:

(A) Holds a life license in speech-language pathology issued by the professional standards board.

(B) Has:

(i) been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years; or

(ii) taken at least thirty-six (36) hours of continuing education approved by the professional standards board or health professions bureau after December 31, 2001, and before January 1, 2007.

(b) This SECTION expires July 1, 2007.

SECTION 16. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 25-35.6-1-8(b)(3), as added by this act, a speech-language pathologist is not required to hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing to supervise speech-language pathology support personnel.

(b) This SECTION expires July 1, 2010.

SECTION 17. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 25-35.6-1-6(2), as added by this act, an applicant for initial license as an audiologist is required to possess only a master's

degree in audiology from an accredited educational program recognized by the speech-language pathology and audiology board established by IC 25-35.6.

(b) This SECTION expires January 1, 2007."

(Reference is to SB 591 as printed February 25, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 603, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 281, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 4, delete "IC 20-8.1-16." and insert "IC 20-26-11.5."

Page 6, line 8, delete "IC 20-8.1-16." and insert "IC 20-26-11.5."

Page 6, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 3. IC 20-8.1-1-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. As used in this article, "dependent" has the meaning set forth in Section 152(a) of the Internal Revenue Code.

SECTION 4. IC 20-8.1-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. As used in this article, "federal income poverty level" means the federal income poverty level for the taxpayer's household using the poverty guidelines updated periodically by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

SECTION 5. IC 20-8.1-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. As used in this article, "qualified education expenditures" means expenditures made by a taxpayer during the twelve (12) month period beginning July 1 and ending June 30 of the taxable year for a dependent with respect to a school of choice for any of the following:

(1) Fees for academic tuition or instruction.

(2) If the dependent is not enrolled in a school that charges tuition, expenditures for computer software, textbooks, workbooks, curricula, school supplies other than personal computers, and other written materials used primarily for academic instruction and for academic tutoring.

(3) Expenditures for transporting the dependent to and from the school of choice in which the dependent is enrolled, excluding transportation for extracurricular activities.

However, the total of a taxpayer's expenditures described in this section must be reduced by the amount of a scholarship received under IC 20-8.1-6.1-14 to determine qualified educational expenditures for purposes of section 3.1 of this chapter.

SECTION 5. IC 20-8.1-1-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. As used in this article, "school of choice" means:

(1) a nonpublic school (as defined in IC 20-10.1-1-3); or

(2) a public school (as defined in IC 20-10.1-1-2) in which a dependent is enrolled but that is not the dependent's school of legal settlement for purposes of the general school tuition support formula.

SECTION 6. IC 20-8.1-1-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. As used in this article,

"taxpayer" means:

(1) an individual who is; or

(2) an individual and the individual's spouse, in the case of a joint return, who are;

subject to the adjusted gross income tax."

Page 7, between lines 2 and 3, begin a new paragraph and insert: "SECTION 4. IC 20-8.1-6.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 3. (a) A school corporation may accept a transferring student without approval of the transferor corporation under section 2 of this chapter.

(b) No transfer may, however, be accepted unless the requesting parents or student pays transfer tuition in an amount determined under the formula established in section 8 of this chapter for the payment of transfer tuition by a transferor school corporation. However, the transferee school shall not offset the amounts described in section 8(b) STEP TWO (B) through section 8(b) STEP TWO (D) of this chapter from the amount charged to the requesting parents or student.

(c) This tuition shall be paid by the parents or the student before the end of the school year in such installments as the transferee corporation determines.

(d) Failure to pay any installment is a ground for exclusion from school.

(e) A taxpayer making a payment with respect to a dependent under this section is entitled to a credit against the adjusted gross income tax imposed by IC 6-3 for the taxable year. The credit to which the taxpayer is entitled is the lesser of the tuition paid under this section or the following:

(1) For a student who is a member of a household with an annual household income that is not more than one hundred seventy-five percent (175%) of the federal income poverty level, the lesser of the following amounts:

(A) per student:

Taxable Year Ending In	Amount
2006 and 2007	\$1,000
2008 and 2009	\$1,500
2010 and 2011	\$2,000
2012 and 2013	\$2,500
2014 and thereafter	\$3,000

(B) per taxpayer:

Taxable Year Ending In	Amount
2006 and 2007	\$2,000
2008 and 2009	\$3,000
2010 and 2011	\$4,000
2012 and 2013	\$5,000
2014 and thereafter	\$6,000

(2) For a student who is a member of a household with an annual household income that is more than one hundred seventy-five percent (175%) but not more than three hundred fifty percent (350%) of the federal income poverty level, the lesser of following amounts:

(A) per student:

Taxable Year Ending In	Amount
2006 and 2007	\$0
2008 and 2009	\$500
2010 and 2011	\$1,000
2012 and 2013	\$1,500
2014 and thereafter	\$2,000

(B) per taxpayer:

Taxable Year Ending In	Amount
2006 and 2007	\$0
2008 and 2009	\$1,000
2010 and 2011	\$2,000
2012 and 2013	\$3,000
2014 and thereafter	\$4,000

(3) For a student who is a member of a household with an annual household income that is more than three hundred fifty percent (350%) of the federal income poverty level, the lesser of following amounts:

(A) per student:

Taxable Year Ending In	Amount
2006 through 2009	\$0
2010 through 2013	\$500
2014 through 2017	\$1,000

2018 through 2021	\$1,500
2022 and thereafter	\$2,000

(B) per taxpayer:

Taxable Year Ending In	Amount
2006 through 2009	\$0
2010 through 2013	\$1,000
2014 through 2017	\$2,000
2018 through 2021	\$3,000
2022 and thereafter	\$4,000

The amount of a scholarship received under section 14 of this chapter is not considered tuition paid by the taxpayer under this section.

(f) If the amount of the credit provided by this section that a taxpayer uses during a particular taxable year exceeds the sum of the taxes imposed on the taxpayer by IC 6-3 for the taxable year after the application of all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this section, the following apply:

- (1) If the taxpayer is covered by subsection (e)(1), the excess shall be returned to the taxpayer as a refund.
- (2) If the taxpayer is covered by subsection (e)(2), fifty percent (50%) of the excess shall be returned to the taxpayer as a refund.
- (3) If the taxpayer is covered by subsection (e)(3), the taxpayer is not entitled to any of the excess as a refund.

(g) Acceptance by a taxpayer of a credit for qualified education expenditures for a dependent under this section does not provide any governmental entity or agency of the state with jurisdiction, authority, or control over the dependent's educational provider.

SECTION 5. IC 20-8.1-6.1-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.1. (a) This section applies to a taxpayer who has a dependent who has legal settlement in a school corporation located in Indiana.

(b) A taxpayer who makes qualified education expenditures is entitled to a credit against the adjusted gross income tax imposed by IC 6-3 for the taxable year. The credit to which the taxpayer is entitled is the lesser of the qualified education expenditures of the taxpayer or the following:

- (1) For a student who is a member of a household with an annual household income that is not more than one hundred seventy-five percent (175%) of the federal income poverty level, the lesser of the following amounts:

(A) per student:

Taxable Year Ending In	Amount
2006 and 2007	\$1,000
2008 and 2009	\$1,500
2010 and 2011	\$2,000
2012 and 2013	\$2,500
2014 and thereafter	\$3,000

(B) per taxpayer:

Taxable Year Ending In	Amount
2006 and 2007	\$2,000
2008 and 2009	\$3,000
2010 and 2011	\$4,000
2012 and 2013	\$5,000
2014 and thereafter	\$6,000

- (2) For a student who is a member of a household with an annual household income that is more than one hundred seventy-five percent (175%) but not more than three hundred fifty percent (350%) of the federal income poverty level, the lesser of the following amounts:

(A) per student:

Taxable Year Ending In	Amount
2006 and 2007	\$0
2008 and 2009	\$500
2010 and 2011	\$1,000
2012 and 2013	\$1,500
2014 and thereafter	\$2,000

(B) per taxpayer:

Taxable Year Ending In	Amount
2006 and 2007	\$0
2008 and 2009	\$1,000

2010 and 2011	\$2,000
2012 and 2013	\$3,000
2014 and thereafter	\$4,000

(3) For a student who is a member of a household with an annual household income that is more than three hundred fifty percent (350%) of the federal income poverty level, the lesser of the following amounts:

(A) per student:

Taxable Year Ending In	Amount
2006 through 2009	\$0
2010 through 2013	\$500
2014 through 2017	\$1,000
2018 through 2021	\$1,500
2022 and thereafter	\$2,000

(B) per taxpayer:

Taxable Year Ending In	Amount
2006 through 2009	\$0
2010 through 2013	\$1,000
2014 through 2017	\$2,000
2018 through 2021	\$3,000
2022 and thereafter	\$4,000

The credit amount under this subsection with respect to a dependent is reduced by any credit amount with respect to other dependents under section 3 of this chapter.

(c) If the amount of the credit provided by this section that a taxpayer uses during a particular taxable year exceeds the sum of the taxes imposed on the taxpayer by IC 6-3 for the taxable year after the application of all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this section, the following apply:

- (1) If the taxpayer is covered by subsection (b)(1), the excess shall be returned to the taxpayer as a refund.
- (2) If the taxpayer is covered by subsection (b)(2), fifty percent (50%) of the excess shall be returned to the taxpayer as a refund.
- (3) If the taxpayer is covered by subsection (b)(3), the taxpayer is not entitled to any of the excess as a refund.

(d) The department shall develop a process and create forms that:

- (1) permits the taxpayer to assign credits under this section to the school of choice in which the taxpayer's dependent is enrolled; and
- (2) allows the school that receives an assignment of credits to claim and receive the amount of the credit as soon as the taxpayer has filed the required income tax return for the taxable year.

(e) Acceptance by a taxpayer of a credit for qualified education expenditures for a dependent under this section does not provide any governmental entity or agency of the state with jurisdiction, authority, or control over the dependent's educational provider.

SECTION 7. IC 20-8.1-6.1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) As used in this section, "ADM" has the meaning set forth in IC 21-3-1.6-1.1. The term includes adjusted ADM.

(b) As used in this section, "eligible student" means a student who meets the requirements of subsection (f).

(c) As used in this section, "school of choice" means a nonpublic school (as defined in IC 20-10.1-1-3) or a public school (as defined in IC 20-10.1-1-2) in which a dependent is enrolled but that is not the dependent's school of legal settlement for purposes of the general school tuition support formula, if the school:

- (1) is accredited by the state or a national accrediting body;
- (2) is not required to provide supplemental educational services for its students or to institute corrective action under 20 U.S.C. 6316;
- (3) complies with all health and safety laws that apply to public or nonpublic schools, respectively;
- (4) holds a valid occupancy permit if required; and
- (5) certifies that it will not discriminate in admissions on the basis of race, color, or national origin.

(d) As used in this section, "scholarship" refers to a scholarship provided under the scholarship program established

by this section.

(e) There is established the freedom to achieve scholarship program to assist parents and guardians to pay the costs of their child attending a school of choice.

(f) A student who meets the following requirements is eligible for a scholarship for a school year:

(1) The student was enrolled in a public school during the school year preceding the first school year for which a scholarship is sought.

(2) The public school attended by the student under subdivision (1) was either required to provide supplemental educational services for the student or was required to institute corrective action under 20 U.S.C. 6316 for the year the student attended the public school.

(3) The student has legal settlement in a school corporation located in Indiana.

(4) The student is enrolled in a school of choice for the school year for which a scholarship is sought.

(5) The student is a member of a household with an annual household income that is not more than three hundred fifty percent (350%) of the federal income poverty level using the poverty guidelines updated periodically by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

(g) The parent or guardian of an eligible student seeking a scholarship must apply to the department. The department shall prescribe the form of the application. The application must be filed after June 15 and before July 16 for a scholarship for the upcoming school year. The department shall make a determination whether an applicant has an eligible student within thirty (30) days after the application is filed. The amount of the scholarship for each eligible student who is enrolled in a school of choice that is a nonpublic school is the lesser of:

(1) the cost of tuition, textbooks, and other mandatory fees, not including fees for extracurricular activities, charged by the school of choice for the eligible student; or

(2) the sum of the average state tuition support, excluding all categorical grants, per ADM with respect to the public school in which the dependent is eligible for enrollment;

for the school year for which the scholarship applies. The department shall provide the full scholarship amount by paying equal installments to the school of choice at the same times the department makes a tuition support distribution to the public school in which the eligible student has legal settlement. If an eligible student withdraws from a school of choice, the school of choice shall notify the department within ten (10) days. The department shall thereafter terminate payments to the school of choice for that student.

(h) To receive a scholarship distribution, a school of choice must agree with the department to do the following:

(1) Determine before enrolling any potential scholarship students the specific number of scholarship students that will be admitted, and, if applicants under the program exceed the determined number of spaces available at any particular grade level, priority shall be given to a student who is a member of a household with an annual household income that is not more than one hundred seventy-five percent (175%) of the federal income poverty level using the poverty guidelines updated periodically by the United States Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). If applicants under the program still exceed the determined number of spaces available at any particular grade level, the school of choice shall conduct a random selection process to determine those students that are admitted to that grade level. Exceptions to this random selection may be made to accommodate siblings of students who are already enrolled or selected for enrollment in the school.

(2) Not charge any tuition or other fees in excess of the scholarship amount.

(3) Not charge any tuition or other fees under the scholarship program that exceed the standard rates charged to other students who pay tuition to enroll in the school.

(4) Not refund, rebate, or share a student's scholarship with

a parent or the student in any manner.

(5) Use a student's scholarship only for educational purposes.

(6) Provide regular academic progress reports to the parents of students enrolled under the scholarship program.

(i) Notwithstanding the state tuition support formula and laws governing the counting of pupils in ADM, an eligible student who:

(1) is enrolled in a school of choice that is a public school; and

(2) is not already being counted in ADM of the school corporation in which the dependent has legal settlement; shall, for purposes of calculating tuition support distributions, be counted as a full additional ADM of the school corporation in which the public school of choice is located after otherwise computing the ADM of that school corporation under the state tuition support formula.

(j) This section applies to a school corporation for purposes of calculating tuition support distributions regardless of how the scholarship student might otherwise be treated under the school funding formula.

(k) An amount sufficient to provide scholarships and grants under this section shall be paid from the state general fund."

Page 9, line 18, after "settlement." insert "However, the property owned in the school corporation other than the school corporation in which the student has legal settlement must not be owned primarily for the purpose of gaining access to the school corporation. In determining whether property is owned primarily for the purpose of gaining access to the school corporation, the following criteria shall be used:

(1) The property must be held at least one (1) year before the beginning of a school year in which the student enrolls in the school corporation.

(2) The property must be zoned for residential or commercial use."

Page 9, line 28, delete "IC 20-8.1-16" and insert "IC 20-26-11.5".

Page 9, line 31, delete "16." and insert "11.5".

Page 9, line 40, delete "IC 20-10.1-1-2." and insert "IC 20-18-2-15."

Page 10, line 26, after "reasons." insert "However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons."

Page 10, line 38, delete "IC 20-8.1-6.5-1." and insert "IC 20-26-11-19."

Page 10, line 40, delete "IC 20-8.1-2" and insert "IC 20-33-1".

Page 11, line 21, delete "IC 20-1-6-18.1" and insert "IC 20-35-8-1".

Page 11, line 22, delete "IC 20-1-6-18.1." and insert "IC 20-35-8-1."

Page 12, line 4, delete "IC 20-1-6-18.2," and insert "IC 20-35-8-2,".

Page 12, line 28, delete "IC 20-10.2," and insert "IC 20-31,".

Page 12, line 35, delete "IC 20-10.2-6-5" and insert "IC 20-31-9-5".

Page 13, line 2, delete "IC 20-8.1-16," and insert "IC 20-26-11.5".

Page 13, between lines 14 through 15, begin a new paragraph and insert:

"SECTION 10. IC 20-26-11-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 30. (a) The governing body of a school corporation may enter into an interlocal agreement under IC 36-1-7 with the governing body of another school corporation under which a student whose legal settlement is in the school corporation may attend school in the other school corporation.

(b) If a student attends school in another school corporation under an interlocal agreement described in subsection (a):

(1) the provisions of this chapter concerning transfer tuition do not apply; and

(2) the terms of the interlocal agreement concerning the payment of costs for the student's attendance apply.

SECTION 3. IC 20-26-11-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 31. (a) This section applies to a student:**

- (1) who has legal settlement in a school corporation; and
- (2) whose parent owns property for which the parent pays property taxes in a school corporation other than the school corporation in which the student has legal settlement.

(b) Not later than April 1, the parent of a student to whom this section applies may notify the school corporation in which the parent owns property that the parent intends to enroll the student in the school corporation in which the parent owns property for the following school year.

(c) A school corporation that receives notice under subsection (b):

- (1) shall enroll the student in an appropriate school within the school corporation; and
- (2) may not request the payment of transfer tuition for the student from the school corporation in which the student has legal settlement or from the student's parent.

(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal settlement. However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons."

Page 13, line 17, delete "IC 20-1-1.1-2." and insert "IC 20-19-3-1."

Page 13, line 19, delete "IC 20-10.1-2-1." and insert "IC 20-18-2-17."

Page 13, line 20, delete "IC 20-8.1-16," and insert "IC 20-26-11.5,".

Page 13, after line 22, begin a new paragraph and insert:

SECTION 11. [EFFECTIVE JULY 1, 2005] **IC 20-8.1-6.1-3, as amended by this act, and IC 20-8.1-6.1-3.1, as added by this act, apply to taxable years beginning after December 31, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to SB 281 as reprinted February 23, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 4.

BEHNING, Chair

Upon request of Representatives Stilwell and Robertson, the Speaker ordered the roll of the House to be called. Roll Call 337: yeas 49, nays 45. Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:15 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 37, 42, and 48 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 278 had been referred to the Committee on Ways and Means.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 33

Representatives T. Brown and C. Brown introduced House Concurrent Resolution 33:

A CONCURRENT RESOLUTION urging the secretary of family

and social services to set up a NiteTime Companion pilot program.

Whereas, The commission on mental retardation and developmental disabilities heard testimony on the NiteTime Companion program and believes that this concept should be expanded;

Whereas, The NiteTime Companion program has been thoroughly tested by the Wabash Center in Lafayette, Indiana, and has been operating successfully in Dane County, Wisconsin, for two years;

Whereas, The NiteTime Companion program provides the level of supervision necessary to ensure the safety of the residents of supported living facilities and is cost effective; and

Whereas, The safety, care, and well-being of the residents of supported living facilities are of the utmost importance: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the secretary of family and social services to seek the waivers and funding necessary to establish four (4) pilot programs of the NiteTime Companion program, one each in Lake County, Marion County, Monroe County, and Tippecanoe County.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the secretary of family and social services.

The resolution was read a first time and referred to the Committee on Public Health.

House Concurrent Resolution 34

Representatives Frizzell, Murphy, and Buell introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to select the Interstate 70/U.S. 41 route for the Interstate 69 highway extension from Indianapolis to Evansville as the most cost efficient and least environmentally damaging route.

Whereas, In December 2003, the Indiana department of transportation (INDOT) selected alternative route 3C as its preferred route for the Interstate 69 highway extension from Indianapolis to Evansville;

Whereas, The chosen route is known as the "new terrain" route since most of the route will be constructed as new roadway;

Whereas, The "new terrain" route is one of the costliest alternatives, estimated by the Indiana department of transportation to cost about \$1.8 billion and is likely to cost much more;

Whereas, The Interstate 70/U.S. 41 route, designated as alternative 1 in the INDOT environmental impact statement, is estimated to cost \$900 million, about half the cost of the "new terrain" route;

Whereas, Available state and federal highway funding is expected to decline to about \$500 million a year by 2006, less than the amount required to maintain and repair Indiana's existing highways;

Whereas, Indiana is facing a budget deficit of \$600 million or more and requires fiscal restraint in state spending;

Whereas, According to INDOT's environmental impact statement, the "new terrain" route will convert 4,500 acres of farmland, 1,150 acres of forest, and 75 acres of wetlands to concrete and adversely affect another 1,160 acres of farmland and forest;

Whereas, the average difference in travel time between the "new terrain" route and the Interstate 70/U.S. 41 route is 13 minutes;

Whereas, Ninety-four percent of the public comments received on INDOT's environmental impact statement supported the Interstate 70/U.S. 41 route and opposed the "new terrain" route;

Whereas, The Interstate 70/U.S. 41 route is already partially constructed since Interstate 70 now connects Indianapolis to Terre Haute and a bypass around southern Terre Haute linking Interstate 70 to U.S. 41 is under construction;

Whereas, U.S. 41 from Terre Haute to Evansville already provides a divided four lane right-of-way, while the "new terrain" route

requires 90 miles of virtually new right-of-way through rugged terrain;

Whereas, Using Interstate 70/U.S. 41 as the route for the Interstate 69 highway extension will allow the project to be completed in less time than the "new terrain" route, at a much lower cost, and with substantially less environmental impact; and

Whereas, Using the Interstate 70/U.S. 41 route will allow the cost savings of nearly \$1 billion to be used for other high priority highway projects, such as the upgrade of U.S. 31 from Indianapolis to South Bend; the alternative of spending more than necessary on Interstate 69 means less funding will be available for other road projects: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana general assembly urges the Indiana department of transportation to withdraw its selection of the "new terrain" route 3C as the preferred route for Interstate 69 and select the Interstate 70/U.S. 41 route.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana department of transportation and Governor Mitch Daniels.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 35

Representative Burton introduced House Concurrent Resolution 35:

A CONCURRENT RESOLUTION urging the department of transportation to rename the section of Interstate Highway 65 running through Johnson County the Pearl Harbor Memorial Highway.

Whereas, It is important and fitting for our society to recognize and honor the contributions of those citizens who have served this nation in times of war;

Whereas, The December 7, 1941, attack on Pearl Harbor was a devastating attack on our nation's homeland that cost the lives of more than two thousand American civilians, soldiers, sailors, and marines;

Whereas, As the Pearl Harbor Memorial Highway, Interstate 65 throughout Johnson County could stand as the legacy of those heroic men and women who gave their lives in defense of the United States of America and the freedom of its citizens; and

Whereas, In these times of danger throughout America, it is vital to remember the bravery of those citizens who made the ultimate sacrifice for their country and ensure that all Americans will be ever vigilant so that tragedies like that do not happen again: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename the part of Interstate Highway 65 that runs through Johnson County the Pearl Harbor Memorial Highway.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 31

Representative Noe introduced House Resolution 31:

A HOUSE RESOLUTION urging the establishment of an interim study committee on public safety, homeland security, and identification issues.

Whereas, In order to protect the security of our state and nation, the legislative council is urged to establish an interim study

committee on public safety, homeland security, and identification issues: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to establish an interim study committee on public safety, homeland security, and identification issues.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Public Safety and Homeland Security.

House Resolution 32

Representative Murphy introduced House Resolution 32:

A HOUSE RESOLUTION urging that the Commission on Courts be assigned the task of studying the establishment and implementation of a consistent statewide merit selection and retention system for Superior Court judges.

Whereas, Currently there are numerous systems used to select Superior Court judges throughout Indiana;

Whereas, Under a merit selection and retention system, a nominating commission would choose applicants based on their qualifications and not on political or social connections;

Whereas, The establishment of a statewide merit selection and retention system for Superior Court judges would remove the fundraising and campaigning that mar judicial elections and could provide more qualified and diversified candidates: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to assign to the Commission on Courts the task of studying the feasibility of establishing and implementing a consistent statewide merit selection and retention system for Superior Court judges.

SECTION 2. That the Commission on Courts shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Courts and Criminal Code.

House Resolution 33

Representative Pond introduced House Resolution 33:

A HOUSE RESOLUTION urging the legislative council to assign to the child custody and support advisory committee the issue of child support for postsecondary education.

Whereas, It is the duty of both parents to provide adequate support for their children in proportion to their respective incomes; and

Whereas, As the need for a college education becomes more necessary and the cost of tuition increases steadily, it behooves the state to study the issue of child support for postsecondary education: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to assign to the child custody and support advisory committee the issue of child support for postsecondary education.

SECTION 2. That the committee, if assigned this issue, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Judiciary.

House Resolution 34

Representatives Goodin and Koch introduced House Resolution 34:

A HOUSE RESOLUTION assigning to the Commission on Courts the topic of adding another superior court for Jackson County.

Whereas, Due to the increasing number of cases, it would benefit Indiana to study the possibility of adding another superior court for Jackson County;

Whereas, The establishment of an additional superior court would help eliminate the backlog of cases and increase the efficiency of the court system: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to assign to the Commission on Courts the topic of adding another superior court for Jackson County.

The resolution was read a first time and referred to the Committee on Judiciary.

Senate Concurrent Resolution 37

The Speaker handed down Senate Concurrent Resolution 37, sponsored by Representative Ayres:

A CONCURRENT RESOLUTION urging the educational leaders of Indiana to ensure that the P-16 Plan for Improving Student Achievement places emphasis on the Standards for Technological Literacy (ITEA 2000) and Indiana Technology Education Standards and Curriculum (2004) as a vision for kindergarten through grade 12.

Whereas, The educational leaders of Indiana must be urged to ensure that the P-16 Plan for Improving Student Achievement of the Indiana state board of education places emphasis on the Standards for Technological Literacy (ITEA 2000) and Indiana Technology Education Standards and Curriculum (2004) as a vision for kindergarten through grade 12, thus ensuring that Indiana public school students will receive an education emphasizing technological literacy and reflecting the technological nature of contemporary society;

Whereas, With the encouragement of the Indiana state board of education, all public elementary schools should modify instruction in kindergarten through grade 5 to integrate national technological literacy standards and concepts across the curriculum and recognize that all elementary teacher preparation institutions in Indiana should include technology education as part of an elementary teacher's undergraduate degree requirement;

Whereas, The educational leaders of Indiana should address the need for the Practical Arts guidelines to be adjusted in the public middle school/junior high school (grades 6 through 8) curriculum to emphasize the Indiana Technology Education Standards and Curriculum (2004) and the guidelines for technological literacy approved by the Indiana state board of education;

Whereas, The educational leaders of Indiana should encourage school districts to make technological literacy, defined as one's ability to use, manage, assess, and understand technology, a primary goal for all public high school students by implementing Indiana Technology Education Standards and Curriculum (2004), as approved by the Indiana state board of education, with the standards and benchmarks that accompany the curriculum;

Whereas, The educational leaders of Indiana should recognize and promote that technology education is a key to the future for every major economic development in business and industry for Indiana; it is a stepping stone for all students, including many at-risk students, to find a path into Indiana's workforce of today and tomorrow;

Whereas, The educational leaders of Indiana should recommend that school districts fund the implementation of the Indiana Technology Education Standards and Curriculum (2004) and recognize its relationship to the engineering community; and

Whereas, Technological literacy will benefit the engineering profession by allowing more students to receive high quality instruction in technology and gain the opportunity to support the future technological workforce in addition to choosing engineering as a possible career; the technology education courses approved by the Indiana state board of education, such as the ones developed in

national programs like Project Lead the Way, will improve engineering and strengthen the technological base of Indiana's future economy: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the members of the Indiana General Assembly recognize the need for all public school students to acquire the ability to use, manage, understand, and assess technology.

SECTION 2. That the members of the Indiana General Assembly recognize that Indiana Technology Education Standards and Curriculum (2004) will help ensure that all public school students have the opportunity to receive a functional education on technology by establishing a consistent content for the study of technology.

SECTION 3. That the members of the Indiana General Assembly recognize that unless the Indiana state board of education's P-16 Plan for Improving Student Achievement places emphasis on Standards for Technological Literacy (ITEA 2000) and Indiana Technology Education Curriculum (2004) as a vision for kindergarten through grade 12, the state board will be unable to define what students should know and be able to do in order to be technologically literate.

SECTION 4. That copies of this resolution be transmitted by the Secretary of the Senate to the superintendents of all Indiana school corporations.

The resolution was read a first time and referred to the Committee on Education.

Senate Concurrent Resolution 39

The Speaker handed down Senate Concurrent Resolution 39, sponsored by Representative Murphy:

A CONCURRENT RESOLUTION celebrating the improvement in student learning that has resulted from the incorporation of innovative uses of technology into educational programs in Indiana.

Whereas, For over two decades past and present, General Assemblies of the State of Indiana have invested in the development of high-technology initiatives to benefit student learning;

Whereas, This development has resulted in making Indiana one of the premier states in the nation for developing the first and best educational programs that incorporate innovative uses of technology;

Whereas, The Buddy Project, having served over 35,000 students, develops and facilitates leading edge learning projects in K-12 school communities using technology in anytime, anywhere settings and aims to share best practices among educators, to strengthen family involvement in education and extend learning beyond the bounds of school time and place;

Whereas, The Indiana Department of Education has provided exemplary leadership for support and development of such innovative and collaborative programs as exemplified in the IndianaNEXT initiative to develop technology leadership skills among our school administrators, and the ASAP web tool that makes Indiana school achievement data accessible to the public;

Whereas, INSPIRE, which provides the residents of Indiana with equitable access to online electronic information resources, enhances the quality of their everyday lives, the depth of their educational experience and the economic prosperity of their communities;

Whereas, Indiana schools continue to create innovative uses for technology to increase student achievement, enhance learning environments and to develop leadership and instructional skills among their faculties; and

Whereas, Indiana learning institutions, such as the Center for Interactive Learning and Collaboration (CILC), Indiana Higher Education Telecommunication System (IHETS), the Indiana Humanities Council (IHC), Indiana Cooperative Library Services Authority (INCOLSA), and the Buddy Teaching and Learning Center (BTLC), continue to develop innovative tools and strategies for teaching and learning that incorporate effective uses of technology: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana acknowledges the contributions of the aforementioned programs, among the best in the nation, toward making Indiana a leader in the integration of technology for continuous educational improvement.

SECTION 2. That the General Assembly of the State of Indiana commends the thousands of Indiana educators who strive daily to integrate the power of technology with curriculum for the advancement of student learning.

SECTION 3. That the General Assembly of the State of Indiana celebrates our students' successes in using technology for learning to ensure the academic and economic well-being of the great State of Indiana in the decades to come.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Marvin Bailey of the Corporation for Educational Technology to reproduce and distribute among all 7 organizations named herein.

The resolution was read a first time and referred to the Committee on Education.

Senate Concurrent Resolution 42

The Speaker handed down Senate Concurrent Resolution 42, sponsored by Representatives Lehe and Torr:

A CONCURRENT RESOLUTION to establish an interim study committee to study licensing of electricians and electrical contractors.

Whereas, No uniform and statewide licensing program currently exists for electrical contractors and electricians, so that electrical contractors and electricians working in more than one jurisdiction in Indiana are required to obtain and maintain multiple licenses, which increases their costs of doing business;

Whereas, Questions exist as to which industry segments and types of work should be included in a statewide licensing program, and how any program should be structured, governed and enforced; and

Whereas, Because some county and local governments currently license or certify electrical contractors and electricians, the development of a statewide licensing program should consider and resolve any conflicts that exist between local licensing and statewide licensing: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Legislative Council is urged to establish an interim study committee to:

- (1) conduct a comprehensive study of the statewide licensing of electricians and electrical contractors; and
- (2) report to the Legislative Council, before November 1, 2005, the results of the study, including proposed legislation, if the report includes a finding that recommends statewide licensing of electricians and electrical contractors.

SECTION 2. That the committee, if established, shall operate under the direction of the Legislative Council.

SECTION 3. That the affirmative vote of a majority of the voting members appointed to the committee is required for the committee to take action on any measure, including the final report.

SECTION 4. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the members of the Legislative Council.

The resolution was read a first time and referred to the Committee on Employment and Labor.

Senate Concurrent Resolution 48

The Speaker handed down Senate Concurrent Resolution 48, sponsored by Representatives Duncan and T. Adams:

A CONCURRENT RESOLUTION to urge the Indiana State Department of Health (ISDH), the Indiana Occupational Safety and Health Administration Division of the Indiana Department of Labor (IOSHA), and the Indiana Department of Environmental Management

(IDEM) to review the health and safety standards at railroad mobile camps.

Whereas, Mobile camps are temporary facilities set up to house maintenance of way employees who travel throughout the country to perform maintenance and repair work on railroad tracks; and

Whereas, The Federal Railroad Administration has established guidelines for clean, safe, and sanitary railroad mobile camps in the Code of Federal Regulations at 49 CFR 228, Appendix C; and

Whereas, Due to the temporary nature of the mobile railroad camps, oversight and inspection by federal resources is limited; and

Whereas, Involvement of appropriate state and local agencies would help to address, in a more timely manner, health and safety issues for both the railroad maintenance of way employees and the residents of the communities in the area surrounding the mobile camps: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly encourages the railroad companies, railroad employees and unions to work together to improve the health and safety of the mobile camps housing maintenance of way employees.

SECTION 2. That the Indiana General Assembly urges ISDH, the IOSHA Division of the Indiana Department of Labor, and IDEM, to the extent allowed by current law, to inspect the mobile camps housing maintenance of way employees in Indiana for compliance with the health and safety guidelines.

SECTION 3. That the Indiana General Assembly urges these agencies to make recommendations regarding legislative action needed to help promote more timely and effective enforcement of the health and safety guidelines for the mobile camps and to submit a report to the Legislative Council on or before November 1, 2005.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Judy Monroe, Commissioner of the Indiana State Department of Health; Miguel Rivera, Sr., Commissioner of the Indiana Department of Labor; Thomas Easterly, Commissioner of the Indiana Department of Environmental Management; and Jeffrey Bainter, Indiana Legislative Director of the Brotherhood of Maintenance of Way Employees.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 230

Representative Becker called down Engrossed Senate Bill 230 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 230-1)

Mr. Speaker: I move that Engrossed Senate Bill 230 be amended to read as follows:

Page 6, line 13, delete "2(a)(4)" and insert "**2(a)(3)**".

Page 6, delete lines 36 through 42.

Page 7, delete lines 1 through 2.

Page 7, line 3, delete "(4)" and insert "**(3)**".

(Reference is to ESB 230 as printed March 25, 2005.)

AYRES

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 303

Representative Buell called down Engrossed Senate Bill 303 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 329

Representative Saunders called down Engrossed Senate Bill 329 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 363

Representative Foley called down Engrossed Senate Bill 363 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 363-2)

Mr. Speaker: I move that Engrossed Senate Bill 363 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.85-2004, SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.
- (2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-37-5-20.
- (7) An automated record keeping fee under IC 33-37-5-21.
- (8) A late fee, if any, under IC 33-37-5-22.
- (9) *A judicial public defense administration fee under IC 33-37-5-21.2.*
- ~~(9) (10) A judicial insurance adjustment administration fee under IC 33-37-5-25.~~
- (11) A judicial salaries fee under IC 33-37-5-26.**

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 2. IC 33-34-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ County Small Claims Court _____ Division (with the name of the county and township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(b) The court shall:

- (1) semiannually distribute to the auditor of state:
 - (A) all automated record keeping fees **(IC 33-37-5-21)** received by the court for deposit in the state user fee fund established under IC 33-37-9;
 - (B) **all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;**
 - (C) **all judicial administration fees collected by the court under IC 33-37-5-25 for deposit in the state general fund; and**
 - (D) **seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and**
- (2) distribute monthly to the county auditor all document storage fees received by the court.

The county auditor shall deposit fees distributed under this subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

SECTION 3. IC 33-37-4-1, AS AMENDED BY P.L.85-2004, SECTION 16, AND AS AMENDED BY P.L.95-2004, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal

costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).
- (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (7) A child abuse prevention fee (IC 33-37-5-12).
- (8) A domestic violence prevention and treatment fee (IC 33-37-5-13).
- (9) A highway work zone fee (IC 33-37-5-14).
- (10) A deferred prosecution fee (IC 33-37-5-17).
- (11) A document storage fee (IC 33-37-5-20).
- (12) An automated record keeping fee (IC 33-37-5-21).
- (13) A late payment fee (IC 33-37-5-22).
- (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- ~~(15) A judicial public defense administration fee under IC 33-37-5-21.2).~~
- ~~(15) (16) A judicial insurance adjustment administration fee under IC 33-37-5-25).~~
- (17) A judicial salaries fee (IC 33-37-5-26).**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) The clerk shall apply the partial payment to general court costs.
- (2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.
- (3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.
- (4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.
- (5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 4. IC 33-37-4-2, AS AMENDED BY P.L.85-2004, SECTION 17, AND AS AMENDED BY P.L.95-2004, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (5) A highway work zone fee (IC 33-37-5-14).
- (6) A deferred prosecution fee (IC 33-37-5-17).
- (7) A jury fee (~~IC 33-19-6-17~~) (IC 33-37-5-19).
- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) ~~A judicial public defense administration fee under (IC 33-37-5-21.2).~~
- ~~(12) A judicial insurance adjustment administration fee under (IC 33-37-5-25).~~
- (13) A judicial salaries fee (IC 33-37-5-26).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

- (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee (subsection e).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

- (1) The defendant was charged with an ordinance violation subject to IC 33-36.
- (2) The defendant denied the violation under IC 33-36-3.
- (3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of ~~IC 34-28-5-4~~ **IC 34-28-5-5** and may be collected from a defendant against whom judgment is entered. Any penalty assessed in addition to costs.

SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2004, SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).

~~(9) A judicial administration public defense fee under (IC 33-37-5-21.2).~~

~~(10) A judicial insurance adjustment administration fee under (IC 33-37-5-25).~~

(11) A judicial salaries fee (IC 33-37-5-26).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- (1) The marijuana eradication program fee (IC 33-37-5-7).
- (2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 6. IC 33-37-4-4, AS AMENDED BY P.L.85-2004, SECTION 19, AND AS AMENDED BY P.L.95-2004, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- (5) Proceedings in small claims court under IC 33-34.
- (6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) ~~A judicial public defense administration fee under (IC 33-37-5-21.2).~~
- ~~(6) A judicial insurance adjustment administration fee under (IC 33-37-5-25).~~
- (7) A judicial salaries fee (IC 33-37-5-26).**

SECTION 7. IC 33-37-4-6, AS AMENDED BY P.L.85-2004, SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action, the clerk shall collect from the party filing the action both of the following fees:

- (1) A small claims costs fee of thirty-five dollars (\$35).
- (2) A small claims service fee of five dollars (\$5) for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) ~~A judicial public defense administration fee under (IC 33-37-5-21.2).~~
- ~~(5) A judicial insurance adjustment administration fee under (IC 33-37-5-25).~~
- (6) A judicial salaries fee (IC 33-37-5-26).**

~~(c) This section applies after June 30, 2005.~~

SECTION 8. IC 33-37-4-7, AS AMENDED BY P.L.85-2004, SECTION 22, AND AS AMENDED BY P.L.95-2004, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 6-4.1-5 (determination of inheritance tax).
- (2) IC 29 (probate).
- (3) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) *A judicial public defense administration fee under IC 33-37-5-21.2).*
- ~~(4) (5) A judicial insurance adjustment administration fee under IC 33-37-5-25).~~

(6) A judicial salaries fee (IC 33-37-5-26).

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

- (1) Petition to open a safety deposit box.
- (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
- (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 9. IC 33-37-5-21.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21.2. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each **small claims action in a court described in IC 33-34**, the clerk shall collect a **judicial public defense** administration fee of ~~in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two three dollars (\$2):~~ **(\$3).**

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a ~~judicial public defense~~ administration fee of ~~in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two three dollars (\$2):~~ **(\$3).**

SECTION 10. IC 33-37-5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in ~~IC 33-19-1-1, IC 33-37-1-1 and in each small claims action in a court described in IC 33-34~~, the clerk shall collect a ~~judicial insurance adjustment~~ administration fee of ~~one dollar (\$1):~~ **two dollars (\$2).**

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a ~~judicial insurance adjustment~~ administration fee of ~~one dollar (\$1):~~ **two dollars (\$2).**

SECTION 11. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.

(4) A small claims action.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a judicial salaries fee specified in the schedule in subsection (d).

(d) Beginning:

- (1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15);
- (2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is sixteen dollars (\$16);
- (3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is seventeen dollars (\$17);
- (4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eighteen dollars (\$18);
- (5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is nineteen dollars (\$19); and
- (6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twenty dollars (\$20).

(e) Beginning:

- (1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is ten dollars (\$10);
- (2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eleven dollars (\$11);
- (3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twelve dollars (\$12);
- (4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);
- (5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are

increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and (6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.85-2004, SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

- (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.
- (2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

- (1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.
- (2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(2) for deposit in the county general fund.

*(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the **judicial public defense administration fee** collected under IC 33-37-5-21.2.*

~~*(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the **judicial branch insurance adjustment account** established by **IC 33-38-5-8.2** state general fund one hundred percent (100%) of the **judicial insurance adjustment administration fee** collected under IC 33-37-5-25.*~~

~~*(j) This section applies after June 30, 2005.*~~

(k) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee collected under IC 33-37-5-26.

SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.85-2004, SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) *The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial public defense administration fee collected under IC 33-37-5-21.2.*

~~(g) (h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 state general fund one hundred percent (100%) of the judicial insurance adjustment administration fee collected under IC 33-37-5-25.~~

~~(h) This section applies after June 30, 2005.~~

(i) **The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26 as the city or town share."**

Page 2, line 27, after "million" strike "two" and insert "seven".

Page 28, line 28, strike "\$2,200,000)." and insert "\$2,700,000).".

Page 4, line 17, delete "in each state fiscal" and insert "the part of the total salary of an official:

(1) paid by the state; and

(2) set under section 6 or 8 of this chapter;

is increased in each state fiscal year in which the general assembly does not amend the section of law under which the salary is determined to provide a salary increase for the state fiscal year.

(b) **The percentage by which salaries are increased in a state fiscal year under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, for the state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on July 1 of the immediately preceding state fiscal year.**

(c) **The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular state fiscal year to the salary payable by the state, as previously adjusted under this section, that is in effect on June 30 of the immediately preceding state fiscal year."**

Page 4, delete lines 18 through 30.

Page 4, line 31, delete "(c) Judges and justices are" and insert "(d) An official is".

Page 4, line 32, delete "subsection (a)" and insert "this section".

Page 4, line 33, after "employees" insert "described in subsection (b)".

Page 4, line 34, delete "(d)" and insert "(e)".

Page 4, line 34, delete "subsection (a)," and insert "this section,".

Page 4, line 35, after "augment" insert "judicial appropriations, including".

Page 4, line 35, delete "judicial salaries" and insert "personal

services for the supreme court, local judges' salaries, and county prosecutors' salaries,".

Page 4, between lines 38 and 39, begin a new paragraph and insert: "SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 2-5-1.5-20; IC 33-38-5-8.2.

SECTION 19. [EFFECTIVE JULY 1, 2005] (a) **Money in the judicial branch health care adjustment account on June 30, 2005, shall be deposited in the state general fund.**

(b) **The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25 (before the repeal of the fee) until all the collected fees are distributed to the auditor of state.**

(c) **The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25 (before the repeal of the fee) until all the collected fees are distributed to the auditor of state.**

(d) **A court under IC 33-34 shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25 (before the repeal of the fee) until all the collected fees are distributed to the auditor of state."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 363 as printed March 25, 2005.)

ESPICH

Representatives Saunders and Welch was excused from voting, pursuant to House Rule 47. The Speaker ordered the roll of the House to be called. Roll Call 338: yeas 68, nays 22. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 432

Representative Becker called down Engrossed Senate Bill 432 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 459

Representative Leonard called down Engrossed Senate Bill 459 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 459-3)

Mr. Speaker: I move that Engrossed Senate Bill 459 be amended to read as follows:

Page 4, between lines 41 and 42, begin a new paragraph and insert: "SECTION 3. IC 16-41-37-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. A person who smokes:

(1) in a public building, except in an area designated as a smoking area under section 5 of this chapter;

(2) in the retail area of a grocery store or drug store that is designated as a nonsmoking area by the store's proprietor;

(3) in the dining area of a restaurant that is designated and posted as the restaurant's nonsmoking area by the restaurant's proprietor; or

(4) in a school bus during a school week or while the school bus is being used for a purpose described in section 2.3(3) of this chapter;

(5) **in a public means of mass transportation, including an airplane; or**

(6) **in an enclosed area of a public mass transportation terminal or waiting area or within fifty (50) feet of an entrance to the public mass transportation terminal or waiting area;**

commits a Class B infraction. However, the violation is a Class A infraction if the person has at least three (3) previous unrelated judgments for violating this section that are accrued within the twelve (12) months immediately preceding the violation."

Renumber all SECTIONS consecutively.

(Reference is to ESB 459 as reprinted March 25, 2005.)

TURNER

Motion prevailed.

HOUSE MOTION
(Amendment 459-1)

Mr. Speaker: I move that Engrossed Senate Bill 459 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new paragraph and insert: "SECTION 2. IC 6-3-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 11. (a) As used in this section, "eligible physician" means a physician:

- (1) who is licensed under IC 25-22.5; and
- (2) whose eligibility for the tax credit allowed under this section is certified by the office.

(b) As used in this section, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(c) A physician may submit a statement, at the times and in the form prescribed by the office, requesting a certification of the physician's eligibility for the tax credit allowed under this section.

(d) The office shall certify that a physician is eligible for the tax credit allowed under this section and issue a certificate of eligibility to the physician if the physician serves as a primary medical provider:

- (1) under the Medicaid program under IC 12-15; and
- (2) to at least five hundred (500) Medicaid recipients during the physician's taxable year.

(e) An eligible physician is entitled to a credit against the physician's adjusted gross income tax liability equal to five hundred dollars (\$500) for each taxable year that the physician's eligibility for the tax credit is certified by the office.

(f) To receive the credit allowed under this section, an eligible physician must claim the credit on the physician's annual state tax return or returns in the manner prescribed by the department. The physician shall submit to the department a copy of the physician's certificate of eligibility for the tax credit.

(g) The credit allowed by this section may not exceed the amount of the physician's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7."

Page 6, between lines 35 and 36, begin a new paragraph and insert: "SECTION 8. [EFFECTIVE JANUARY 1, 2006] IC 6-3-3-11, as added by this act, applies to taxable years beginning after December 31, 2005."

Renumber all SECTIONS consecutively.

(Reference is to ESB 459 as printed March 25, 2005.)

WELCH

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, the Speaker ruled the point was not well taken.

The question was on the motion of Representative Welch. Motion prevailed.

HOUSE MOTION
(Amendment 459-2)

Mr. Speaker: I move that Engrossed Senate Bill 459 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new paragraph and insert: "SECTION 2. IC 6-3-2-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 21. (a) As used in this section, "student loan" refers to a qualified education loan (as defined in Section 221 of the Internal Revenue Code).

(b) Subject to subsection (d), in each taxable year, an individual who is obligated to repay a student loan may deduct in computing the individual's adjusted gross income the amount determined under STEP TWELVE of the following formula:

STEP ONE: Determine the total amount of payments paid by the individual with respect to the individual's student loans during the taxable year.

STEP TWO: Determine the part of the STEP ONE result that is attributable to interest and other financing charges.

STEP THREE: Subtract the STEP TWO result from the STEP ONE result to determine the part of the STEP ONE result attributable to principal.

STEP FOUR: Determine the part of the STEP TWO result deducted by the individual in computing the individual's federal adjusted gross income under Section 62 of the Internal Revenue Code.

STEP FIVE: Subtract the STEP FOUR result from the STEP TWO result.

STEP SIX: Determine the initial outstanding principal balance on the student loan as of the expiration of the most recent grace period following the final date of attendance at the most recently attended institution of higher education. In the case of a husband and wife filing a joint return, determine this amount independently for each individual, and add the two (2) amounts.

STEP SEVEN: Determine the part of the STEP SIX amount deducted by the individual in computing the individual's federal adjusted gross income under Section 62 of the Internal Revenue Code in the current and any prior taxable years.

STEP EIGHT: Divide the STEP SEVEN result by the STEP SIX result, rounding to the nearest one thousandth (0.001).

STEP NINE: Subtract the STEP EIGHT result from one (1).

STEP TEN: Multiply the STEP THREE result by the STEP NINE result.

STEP ELEVEN: Add the STEP FIVE result and the STEP TEN result.

STEP TWELVE: Determine the lesser of the following:

- (A) The STEP ELEVEN result.
- (B) Two thousand dollars (\$2,000).

(c) A husband and wife filing a joint adjusted gross income tax return for a particular taxable year may not claim a deduction under this section of more than two thousand dollars (\$2,000) in any taxable year.

(d) An individual may not claim the deduction provided by this section for more than ten (10) taxable years during the individual's lifetime. For purposes of applying this subsection to an individual who files a joint return with the individual's spouse, the question of whether a joint return counts toward each spouse's lifetime allotment is determined independently for each spouse with reference to the underlying student loan. A joint return on which the deduction provided by this section is claimed counts towards a spouse's lifetime allotment only to the extent that the spouse is obligated to repay some part of the underlying student loan payments that are being deducted."

Page 6, between lines 35 and 36, begin a new paragraph and insert: "SECTION 8. [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)] IC 6-3-2-21, as added by this act, applies only to taxable years beginning after December 31, 2004."

Page 6, after line 38, begin a new paragraph and insert:

"SECTION 10. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 459 as printed March 25, 2005.)

VAN HAAFTEN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 487

Representative Leonard called down Engrossed Senate Bill 487 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 487-1)

Mr. Speaker: I move that Engrossed Senate Bill 487 be amended to read as follows:

Page 5, line 36, delete "Four (4)" and insert "Six (6)".

Page 5, line 37, delete "two (2)" and insert "three (3)".

Page 5, line 41, after "located," insert "A member appointed under this subdivision must reside in an unincorporated area of the county."

Page 6, between lines 3 and 4, begin a new line block indented and insert:

"(5) One (1) member appointed by the executive of a city having a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(6) One member appointed by the executive of a city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000)."

Page 7, line 14, delete "a sixth appointment is necessary, one (1)" and insert **"more than five (5) appointments are necessary, those members shall be appointed"**.

(Reference is to ESB 487 as printed March 25, 2005.)

AGUILERA

After discussion, Representative Aguilera withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 508

Representative Torr called down Engrossed Senate Bill 508 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 508-1)

Mr. Speaker: I move that Engrossed Senate Bill 508 be amended to read as follows:

Page 5, between lines 28 and 29, begin a new paragraph and insert: **"(c) An employer may assign wages for a purpose described in subsection (b)(14) or (b)(15) only if the employee whose wages are subject to the assignment is compensated at an hourly rate that when multiplied by two thousand eighty (2,080) hours results in a yearly income that is equal to or exceeds one hundred percent (100%) of the most recent federal income poverty guidelines published in the federal register by the United States Department of Health and Human services for a family of four (4)."**

(Reference is to ESB 508 as printed March 25, 2005.)

CHENEY

After discussion, Representative Torr withdrew the call of Engrossed Senate 508.

Engrossed Senate Bill 512

Representative Whetstone called down Engrossed Senate Bill 512 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 512-1)

Mr. Speaker: I move that Engrossed Bill 512 be amended to read as follows:

Page 8, line 32, delete "A" and insert **"Except as provided in subsection (e), a"**.

Page 9, between lines 7 and 8, begin a new paragraph and insert:

"(e) This subsection applies before July 1, 2006, to:

(1) a city having a population of more than nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) a town having a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

A town described in this subsection must obtain the consent of the legislative body of a city described in this subsection before annexing territory within three (3) miles of the corporate boundaries of the city."

(Reference is to ESB 512 as printed March 25, 2005.)

KUZMAN

Motion failed.

HOUSE MOTION
(Amendment 512-3)

Mr. Speaker: I move that Engrossed Senate Bill 512 be amended to read as follows:

Page 8, between lines 11 and 12, begin a new paragraph and insert: **"SECTION 5. IC 36-4-3-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.1. (a) This section applies to an annexation in which owners of land located outside but contiguous to a municipality file a petition with the legislative body**

of the municipality:

(1) requesting an ordinance annexing the area described in the petition; and

(2) signed by one hundred percent (100%) of the landowners that reside within the territory that is proposed to be annexed.

(b) Sections 2.1 and 2.2 of this chapter do not apply to an annexation under this section.

(c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(d) The municipality may:

(1) adopt an annexation ordinance annexing the territory; and

(2) adopt a fiscal plan and establish a definite policy by resolution of the legislative body;

after the legislative body has held a public hearing on the proposed annexation.

(e) The municipality may introduce and hold the public hearing on the annexation ordinance not later than thirty (30) days after the petition is filed with the legislative body. Notice of the public hearing may be published one (1) time in accordance with IC 5-3-1 at least twenty (20) days before the hearing. All interested parties must have the opportunity to testify at the hearing as to the proposed annexation.

(f) The municipality may adopt the annexation ordinance not earlier than fourteen (14) days after the public hearing under subsection (e).

(g) A landowner may withdraw the landowner's signature from the petition not more than thirteen (13) days after the municipality adopts the fiscal plan by providing written notice to the office of the clerk of the municipality. If a landowner withdraws the landowner's signature, the petition shall automatically be considered a voluntary petition that is filed with the legislative body under section 5 of this chapter, fourteen (14) days after the date the fiscal plan is adopted. All provisions applicable to a petition initiated under section 5 of this chapter apply to the petition.

(h) If the municipality does not adopt an annexation ordinance within sixty (60) days after the landowners file the petition with the legislative body, the landowners may file a duplicate petition with the circuit or superior court of a county in which the territory is located. The court shall determine whether the annexation shall take place as set forth in section 5 of this chapter.

(i) A remonstrance under section 11 of this chapter may not be filed. However, an appeal under section 15.5 or 15.6 of this chapter may be filed.

(j) In the absence of an appeal under section 15.5 or 15.6 of this chapter, an annexation ordinance adopted under this section takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing and recording of the ordinance under section 22 of this chapter.

SECTION 6. IC 36-4-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), (c), or (f), in the absence of remonstrance and appeal under section 11, or 15.5, or 15.6 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance described in subsection (d) or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(c) Subsections (d) and (e) apply to fire protection districts that are established after June 14, 1987.

(d) Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11, or 15.5, or 15.6 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of

this chapter. The municipality shall:

- (1) provide fire protection to that territory beginning the date the ordinance is effective; and
- (2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

(f) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 or 15.6 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

SECTION 7. IC 36-4-3-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.1. Notwithstanding section 7(b) of this chapter, an ordinance adopted under section 4 of this chapter takes effect immediately upon the expiration of the sixty (60) day remonstrance and appeal period under section 11, or 15.5, or 15.6 of this chapter and after the publication, filing, and recording required by section 22(a) of this chapter if all of the following conditions are met:

- (1) The annexed territory has no population.
- (2) Ninety percent (90%) of the total assessed value of the land for property tax purposes has one (1) owner.
- (3) The annexation is required to fulfill an economic development incentive package and to retain an industry through various local incentives, including urban enterprise zone benefits."

Page 13, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 11. IC 36-4-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The court's judgment under section 12, or 15.5, or 15.6 of this chapter must specify the annexation ordinance on which the remonstrance is based. The clerk of the court shall deliver a certified copy of the judgment to the clerk of the municipality. The clerk of the municipality shall:

- (1) record the judgment in the clerk's ordinance record; and
- (2) make a cross-reference to the record of the judgment on the margin of the record of the annexation ordinance.

(b) If a judgment under section 12, or 15.5, or 15.6 of this chapter is adverse to annexation, the municipality may not make further attempts to annex the territory or any part of the territory during the four (4) years after the later of:

- (1) the judgment of the circuit or superior court; or
- (2) the date of the final disposition of all appeals to a higher court;

unless the annexation is petitioned for under section 5 or 5.1 of this chapter.

(c) This subsection applies if a municipality repeals the annexation ordinance:

- (1) less than sixty-one (61) days after the publication of the ordinance under section 7(a) of this chapter; and
- (2) before the hearing commences on the remonstrance under section 11(c) of this chapter.

A municipality may not make further attempts to annex the territory or any part of the territory during the twelve (12) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of

the territory that is petitioned for under section 5 or 5.1 of this chapter.

(d) This subsection applies if a municipality repeals the annexation ordinance:

- (1) at least sixty-one (61) days but not more than one hundred twenty (120) days after the publication of the ordinance under section 7(a) of this chapter; and
- (2) before the hearing commences on the remonstrance under section 11(c) of this chapter.

A municipality may not make further attempts to annex the territory or any part of the territory during the twenty-four (24) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(e) This subsection applies if a municipality repeals the annexation ordinance:

- (1) either:
 - (A) at least one hundred twenty-one (121) days after publication of the ordinance under section 7(a) of this chapter but before the hearing commences on the remonstrance under section 11(c) of this chapter; or
 - (B) after the hearing commences on the remonstrance as set forth in section 11(c) of this chapter; and
- (2) before the date of the judgment of the circuit or superior court as set forth in subsection (b).

A municipality may not make further attempts to annex the territory or any part of the territory during the forty-two (42) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(f) If a judgment under section 12, or 15.5, or 15.6 of this chapter orders the annexation to take place, the annexation is effective when the clerk of the municipality complies with the filing requirement of section 22(a) of this chapter.

SECTION 12. IC 36-4-3-15.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.6. (a) This section applies only to the owners of land that meets the following conditions:

- (1) The land is located:
 - (A) in an unincorporated area within one (1) township; and
 - (B) not more than one-half (½) of a mile from territory that is sought to be annexed.
- (2) The land is not located in the territory that is sought to be annexed.
- (3) The land is located in the same county as the territory that is sought to be annexed.
- (4) At least fifty percent (50%) of the land is used for agricultural purposes.

(b) At least sixty-five percent (65%) of the owners of land described in subsection (a) may file a petition requesting that the proposed annexation not take place. The owners of the land must file the petition:

- (1) with the legislative body of the township in which the land is located; and
- (2) not more than forty-five (45) days after the publication of the annexation ordinance under section 7 of this chapter.

(c) If a petition meeting the conditions of subsection (b) is filed with the township legislative body, the township legislative body may adopt a resolution authorizing an appeal of the proposed annexation. The township legislative body must file a complaint appealing the proposed annexation as authorized by this section with the circuit or superior court of the county.

(d) If a complaint appealing the proposed annexation is filed with the circuit or superior court under subsection (c) not more than ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter, the court shall fix a date and time for a hearing on the appeal. Notice of the proceedings, in the form of a summons, shall be served on the annexing municipality. The municipality is the defendant in the cause and shall appear and answer.

(e) The circuit or superior court shall on the date fixed under subsection (d) hear and determine the appeal under subsection (d) without a jury and enter judgment on the question of the annexation according to the evidence that either party may introduce. At the hearing under this subsection, the court shall order the proposed annexation not to take place if the court finds that all the following conditions exist:

(1) The petition filed by landowners with the township legislative body opposing the annexation meets the requirement of this section.

(2) The annexation will have a significant financial impact on the residents or owners of the land described in subsection (a).

(3) The annexation is not in the best interests of the residents or owners of the land described in subsection (a)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 512 as printed March 25, 2005.)

DVORAK

Motion failed.

HOUSE MOTION (Amendment 512-5)

Mr. Speaker: I move that Engrossed Senate Bill 512 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.5-1.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2005 (RETROACTIVE)]: Sec. 15. (a) As used in this section, "attributed levy" of a civil taxing unit means the sum of:

(1) the ad valorem property tax levy of the civil taxing unit that is currently being collected at the time the allocation is made; plus

(2) the current ad valorem property tax levy of any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit; plus

(3) the amount of federal revenue sharing funds and certified shares that were used by the civil taxing unit (or any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit) to reduce its ad valorem property tax levies below the limits imposed by IC 6-1.1-18.5; plus

(4) in the case of a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; minus

(5) in the case of a municipality, an amount equal to the property taxes imposed by the municipality in territory annexed by the municipality in an annexation initiated after March 31, 2005.

(b) The part of a county's certified distribution that is to be used as certified shares shall be allocated only among the county's civil taxing units. Each civil taxing unit of a county is entitled to receive a percentage of the certified shares to be distributed in the county equal to the ratio of its attributed levy to the total attributed levies of all civil taxing units of the county.

(c) The local government tax control board established by IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing units that are entitled to receive certified shares during a calendar year. If the ad valorem property tax levy of any special taxing district, authority, board, or other entity is attributed to another civil taxing unit under subsection (b)(2), then the special taxing district, authority, board, or other entity shall not be treated as having an attributed levy of its own. The local government tax control board shall certify the attributed levy amounts to the appropriate county auditor. The county auditor shall then allocate the certified shares among the civil taxing units of the auditor's county.

(d) Certified shares received by a civil taxing unit shall be treated as additional revenue for the purpose of fixing its budget for the calendar year during which the certified shares will be received. The certified shares may be allocated to or appropriated for any purpose, including property tax relief or a transfer of funds to another civil

taxing unit whose levy was attributed to the civil taxing unit in the determination of its attributed levy.

SECTION 2. IC 6-3.5-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2005 (RETROACTIVE)]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

(4) make payments permitted under IC 36-7-15.1-17.5;

(5) make payments permitted under subsection (i); and

(6) make distributions of distributive shares to the civil taxing units of a county.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year. The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the total property taxes that are first due and payable to the civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, and minus, for a municipality, an amount equal to the property taxes imposed by the municipality in territory annexed by the municipality in an annexation initiated after March 31, 2005. The denominator of the fraction equals the sum of the total property taxes that are first due and payable to all civil taxing units of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, and minus an amount equal to the property taxes imposed by municipalities in territory annexed by the municipalities in annexations initiated after March 31, 2005.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget

of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 3. IC 6-3.5-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2005 (RETROACTIVE)]: Sec. 12. (a) Except as provided in sections 23, 25, 26, and 27 of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and sections 15 and 25 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of the following:

- (1) The amount of the certified distribution for that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the sum of the following:

(A) Total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) For a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; **minus**

(C) For a city or town, an amount equal to the property taxes imposed by the city or town in territory annexed by the city or town in an annexation initiated after March 31, 2005.

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, **and minus an amount equal to the property taxes imposed by cities and towns in territory annexed by the cities and towns in annexations initiated after March 31, 2005.**

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

- (1) The ordinance is effective January 1 of the following year.
- (2) Except as provided in sections 25 and 26 of this chapter, the amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or town, **minus an amount equal to the population of the city or town in territory annexed by the city or town in an annexation initiated after March 31, 2005.** For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town, **plus an amount equal to the population of a city or town in territory annexed by the city or town in an annexation initiated after**

March 31, 2005. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The department of local government finance shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of sections 15, 25, and 26 of this chapter."

Page 15, after line 42, begin a new paragraph and insert:

"SECTION 14. [EFFECTIVE JULY 1, 2005] **IC 6-3.5-1.1-15, IC 6-3.5-6-18, and IC 6-3.5-7-12, all as amended by this act, apply to the determination and distribution of certified shares under IC 6-3.5-1.1, distributive shares under IC 6-3.5-6, and certified distributions under IC 6-3.5-7 after December 31, 2005.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 512 as printed March 25, 2005.)

THOMPSON

After discussion, Representative Thompson withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 564

Representative Foley called down Engrossed Senate Bill 564 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 564-1)

Mr. Speaker: I move that Engrossed Senate Bill 564 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning mortgaged property.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Each year a person who is a resident of this state may receive a deduction from the assessed value of:

(1) mortgaged real property, an installment loan financed mobile home that is not assessed as real property, or an installment loan financed manufactured home that is not assessed as real property that ~~he the person~~ owns; or

(2) real property, a mobile home that is not assessed as real property, or a manufactured home that is not assessed as real property that ~~he the person~~ is buying under a contract, with the contract or a memorandum of the contract recorded in the county recorder's office, which provides that ~~he the person~~ is to pay the property taxes on the real property, mobile home, or manufactured home.

(b) Except as provided in section 40.5 of this chapter, the total amount of the deduction which the person may receive under this section for a particular year is:

- (1) the balance of the mortgage or contract indebtedness on the assessment date of that year;
- (2) one-half (½) of the assessed value of the real property, mobile home, or manufactured home; or
- (3) ~~three six~~ thousand dollars ~~(\$3,000)~~; **(\$6,000)**;

whichever is least.

(c) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract which provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home."

Page 6, after line 15, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2005] IC 6-1.1-12-1, as amended by this act, applies only to property taxes first due and payable after December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to ESB 564 as printed March 23, 2005.)

MICON

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Micon's amendment (564-1) is not germane to Engrossed Senate Bill 564.

Amendment 1 is germane to Engrossed Senate Bill 564 because both measures concern mortgaged real estate.

PELATH
MICON

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 339: yeas 50, nays 42. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 570

Representative Wolkins called down Engrossed Senate Bill 570 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 570-3)

Mr. Speaker: I move that Engrossed Bill 570 be amended to read as follows:

Page 6, between lines 37 and 38, begin a new paragraph and insert:

"(c) The duration of a steady yellow indication must be at least five (5) seconds."

(Reference is to ESB 570 as printed March 22, 2005.)

TORR

The Speaker ordered a division of the House and appointed Representatives Friend and Stilwell to count the yeas and nays. Yeas 59, nays 30. Motion prevailed.

HOUSE MOTION
(Amendment 570-7)

Mr. Speaker: I move that Engrossed Senate Bill 570 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 41. The fund consists of amounts deposited under IC 9-21-3.5, IC 33-37-7-9, and IC 35-50-5-3, and appropriations from the general assembly."

Page 10, line 29, after "chapter" insert ":

(1)".

Page 10, line 30, delete "." and insert "; and

(2) must require that the civil penalty imposed for a violation of an ordinance adopted under section 9 of this chapter be applied to defray the cost of the installation, operation, and maintenance of the automatic traffic law enforcement system, and that the remaining funds be deposited in the violent crime victims compensation fund established by IC 5-2-6.1-40."

Renumber all SECTIONS consecutively.

(Reference is to ESB 570 as printed March 22, 2005.)

TORR

Upon request of Representatives Torr and Wolkins, the Speaker ordered the roll of the House to be called. Roll Call 340: yeas 88, nays 6. Motion prevailed.

HOUSE MOTION
(Amendment 570-1)

Mr. Speaker: I move that Engrossed Senate Bill 570 be amended to read as follows:

Page 9, between lines 12 and 13, begin a new paragraph and insert:

"(c) Not later than December 31, 2008, the department shall submit a report analyzing the effectiveness of the program to the legislative council in an electronic format under IC 5-14-6."

Page 9, line 28, delete "operational requirements;" and insert **"operational;"**.

Page 9, line 29, before "shall" insert **"requirements"**.

Page 10, line 1, delete "12 or 13" and insert **"13 or 14"**.

Page 10, line 3, delete "12" and insert **"13"**.

Page 10, line 5, delete "13" and insert **"14"**.

Page 10, line 17, delete "from" and insert **"after"**.

Page 11, line 33, delete "11(b)" and insert **"12(b)"**.

Page 11, line 40, delete "section 13" and insert **"section 14 or 15"**.

Page 11, line 42, delete "12" and insert **"13"**.

Page 12, line 32, delete "11(b)" and insert **"12(b)"**.

Page 13, line 13, delete "11(a)(1)" and insert **"12(a)(1)"**.

Page 13, line 13, delete "detected" and insert **"produced"**.

Page 13, line 16, delete "11(b)" and insert **"12(b)"**.

Page 13, between lines 24 and 25, begin a new paragraph and insert:

"Sec. 18. This chapter expires June 30, 2015."

(Reference is to SB 570 as printed March 22, 2005.)

WOLKINS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 607

Representative Alderman called down Engrossed Senate Bill 607 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 607-1)

Mr. Speaker: I move that Engrossed Senate Bill 607 be amended to read as follows:

Delete pages 1 through 7..

Page 8, delete lines 1 through 4.

Page 9, delete lines 12 through 13.

Page 15, delete lines 24 through 42.

Delete page 16.

Page 17, delete lines 1 through 4.

Page 18, delete lines 18 through 42.

Page 19, delete lines 1 through 29.

Page 20, delete lines 29 through 42.

Page 21, delete lines 1 through 14.

Page 22, delete line 42.

Delete page 23.

Renumber all SECTIONS consecutively.

(Reference is to ESB 607 as printed March 25, 2005.)

TORR

After discussion, Representative Torr withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 611

Representative Buell called down Engrossed Senate Bill 611 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 611-1)

Mr. Speaker: I move that Engrossed Senate Bill 611 be amended to read as follows:

Page 3, after line 19, begin a new paragraph and insert:
"SECTION 2. IC 36-8-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The department may establish and operate a dependent's pension benefit for the payment of pensions to dependent parents, surviving spouses, and dependent children under eighteen (18) years of age of former employee beneficiaries. The department may provide these benefits by the creation of a reserve account, by obtaining appropriate insurance coverage, or both. However, the department may not establish or modify a dependent's pension benefit after June 30, 1989, without the approval of the county fiscal body which shall not reduce or diminish any dependent's pension benefits that were in effect on January 1, 1989.

(b) This subsection applies to survivors of employee beneficiaries who:

- (1) died before January 1, 1990; and
- (2) were covered by a benefit plan established under this section.

The maximum monthly pension payable to dependent parents or surviving spouses may not exceed two hundred dollars (\$200) per month during the parent's or the spouse's lifetime if the spouse did not remarry before September 1, 1984. If the surviving spouse remarried before September 1, 1984, benefits ceased on the date of remarriage. The maximum monthly pension payable to dependent children is thirty dollars (\$30) per child and ceases with the last payment before attaining eighteen (18) years of age.

(c) This subsection applies to survivors of employee beneficiaries who:

- (1) died after December 31, 1989; and
- (2) were covered by a benefit plan established under this section.

The monthly pension payable to dependent parents or surviving spouses must be not less than two hundred dollars (\$200) for each month during the parent's or the spouse's lifetime. ~~or until the spouse remarries.~~ The monthly pension payable to each dependent child must be not less than thirty dollars (\$30) for each child and ceases with the last payment before attaining eighteen (18) years of age.

(d) The county fiscal body may by ordinance provide an increase in the monthly pension of survivors of employee beneficiaries who die before January 1, 1990. However, the monthly pension that is provided under this subsection may not exceed the monthly pension that is provided to survivors whose monthly pensions are determined under subsection (c).

(e) In order to be eligible for a benefit under this section, the surviving spouse of an employee beneficiary who dies after August 31, 1984, must have been married to the employee beneficiary at the time of the employee's retirement or death in service."

(Reference is to ESB 611 as printed March 23, 2005.)

BUELL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 620

Representative Wolkins called down Engrossed Senate Bill 620 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 169

Representative Wolkins called down Engrossed Senate Bill 169 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 169-2)

Mr. Speaker: I move that Engrossed Senate Bill 169 be amended to read as follows:

Page 22, line 21, strike "twenty-five cents (\$0.25)" and insert "**one**

dollar (\$1)".

Page 22, line 21, after "on" strike "the" and insert "a".

Page 22, line 21, delete ":" and insert "**that occurs before July 1, 2010:**".

(Reference is to ESB 169 as printed March 25, 2005.)

WOLKINS

Upon request of Representatives Crawford and Cheney, the Speaker ordered the roll of the House to be called. Roll Call 341: yeas 34, nays 59. Motion failed.

HOUSE MOTION
(Amendment 169-1)

Mr. Speaker: I move that Engrossed Senate Bill 169 be amended to read as follows:

Page 25, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 23. IC 14-22-2-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) **This section applies to a water of the state:**

- (1) **where the state department of health has issued a group 3, 4, or 5 fish consumption advisory; and**
- (2) **where the department manages a boat ramp or fishing access site.**

(b) **The division shall post a sign that:**

- (1) **warns the public of the fish consumption advisory, including any particular species of fish included in the advisory; and**
- (2) **provides instructions on where to obtain printed and Internet information concerning the advisory.**

(c) **This section does not prohibit the division from posting signs at other locations where fish consumption advisories have been issued."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 169 as printed March 25, 2005.)

PIERCE

On the motion of Representative Foley the previous question was called. Upon request of Representatives Pierce and Wolkins, the Speaker ordered the roll of the House to be called. Roll Call 342: yeas 70, nays 24. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 32

Representative Ulmer called down Engrossed Senate Bill 32 for second reading. The bill was reread a second time by title.

HOUSE MOTION
(Amendment 32-1)

Mr. Speaker: I move that Engrossed Senate Bill 32 be amended to read as follows:

Page 5, after line 5, begin a new paragraph and insert:

"SECTION 3. IC 35-47-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~As used in The following definitions apply throughout this chapter:~~

(1) ~~"dealer"~~ **"Dealer"** includes:

- (A) any person licensed under 18 U.S.C. 923; **or**
- (B) **a gun show vendor.**

(2) **"Gun show" means any event at which at least fifty (50) firearms are offered for sale, rent, exchange, or transfer.**

(3) **"Gun show vendor" means a person who:**

- (A) **exhibits, sells, rents, exchanges, or transfers; or**
- (B) **offers to sell, rent, exchange, or transfer;**

one (1) or more firearms at a gun show."

(Reference is to ESB 32 as printed March 23, 2005.)

ORENTLICHER

Upon request of Representatives Torr and Whetstone, the Speaker ordered the roll of the House to be called. Roll Call 343: yeas 17, nays 77. Motion failed.

HOUSE MOTION
(Amendment 32-2)

Mr. Speaker: I move that Engrossed Senate Bill 32 be amended to read as follows:

Page 5, after line 5, begin a new paragraph and insert:

"SECTION 3. IC 35-47-2.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) This section does not apply to:

- (1) a marshal;
- (2) a sheriff;
- (3) the commissioner of the department of correction or a person authorized by the commissioner in writing to carry firearms;
- (4) a judicial officer;
- (5) a law enforcement officer;
- (6) an employee of the United States duly authorized to carry handguns;
- (7) a person making a bulk purchase:
 - (A) at an estate sale; or
 - (B) of a handgun collection;
- (8) a person replacing a handgun that has been stolen, rendered inoperative, or permanently lost, if the person has documented proof that the handgun has been stolen, rendered inoperative, or permanently lost;
- (9) the purchase of a handgun that is not designed to use fixed cartridges or fixed ammunition, or that was manufactured before January 1, 1899;
- (10) a person who trades in a handgun at the same time that the person makes a handgun purchase, if not more than one (1) transaction involving a handgun trade is made per day; or
- (11) a licensed firearms dealer.

(b) A person who knowingly or intentionally purchases more than one (1) handgun in a thirty (30) day period commits a Class A misdemeanor.

SECTION 4. [EFFECTIVE JULY 1, 2005] IC 35-47-2.5-16, as added by this act, applies only to crimes committed after June 30, 2005."

(Reference is to ESB 32 as printed March 23, 2005.)

ORENTLICHER

After discussion, Representative Orentlicher withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 268

Representative T. Brown called down Engrossed Senate Bill 268 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 268-1)

Mr. Speaker: I move that Engrossed Senate Bill 268 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 20. (a) As used in this section, "deductible expenses" means unreimbursed travel expenses, housing expenses, lost wages, and other expenses incurred by an individual in connection with the donation of a human organ.

(b) As used in this section, "human organ" means all or a part of the kidney, liver, lung, bone marrow, pancreas, or intestine of a human body.

(c) An individual:

- (1) who donates a human organ of the individual; or
- (2) whose dependent donates, of the dependent's own volition, a human organ of the dependent;

for use in human organ transplantation is entitled to a deduction from the individual's adjusted gross income for the taxable year in which the human organ is donated.

(d) The amount of the deduction may not exceed the lesser of:

- (1) the individual's deductible expenses; or
- (2) ten thousand dollars (\$10,000).

(e) To obtain the deduction provided by this section, the individual must file with the department proof of the individual's deductible expenses.

(f) An individual may claim only one (1) deduction under this section during the individual's lifetime."

Page 3, between lines 38 and 39, begin a new paragraph and insert: "SECTION 10. IC 35-46-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1. (a) As used in this section, "fetal tissue" means tissue from an infant or a fetus who is stillborn or aborted.

(b) As used in this section, "human organ" means the kidney, liver, heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a human body.

(c) As used in this section, "item of value" means money, real estate, funeral related services, and personal property. "Item of value" does not include:

(1) the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ; or

(2) the reimbursement of travel expenses, housing expenses, lost wages, and other expenses incurred by the donor of a human organ related to the donation of the human organ; or

(3) an income tax deduction under IC 6-3-2-20.

(d) A person who intentionally acquires, receives, sells, or transfers in exchange for an item of value:

(1) a human organ for use in human organ transplantation; or

(2) fetal tissue;

commits unlawful transfer of human tissue, a Class C felony."

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JANUARY 1, 2006] IC 6-3-2-20, as added by this act, applies to taxable years beginning after December 31, 2005."

Renumber all SECTIONS consecutively.

(Reference is to ESB 268 as printed March 23, 2005.)

C. BROWN

Representative T. Brown rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 268 a bill pending before the House. The Speaker ruled the point was not well taken.

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

Representative T. Brown withdrew the call of Engrossed Senate Bill 268.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1302, 1358, 1580, and 1594 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1057, 1080, 1153, 1224, 1270, 1306, 1335, 1365, 1453, 1649, 1666, 1765, and 1776 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 18, 30, 31, and 32 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be removed as sponsor of Engrossed Senate Bill 127, Representative Torr be substituted as sponsor.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be removed as sponsor of Engrossed Senate Bill 142, Representative Borrer be substituted as sponsor, and Representative Klinker be added as cosponsor.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 171.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as cosponsor of Engrossed Senate Bill 200.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 225.

BECKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as cosponsor of Engrossed Senate Bill 363.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative L. Lawson be added as cosponsor of Engrossed Senate Bill 472.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Davis and Wolkins be added as cosponsors of Engrossed Senate Bill 513.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Welch be added as cosponsors of Engrossed Senate Bill 615.

BECKER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Kuzman, the House adjourned at 10:40 p.m., this twenty-ninth day of March, 2005, until Thursday, March 31, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives